

INTERNET FILTERING AND BLOCKING TECHNOLOGY

THE *MOST* EFFECTIVE METHODS OF PROTECTING CHILDREN FROM PORNOGRAPHY

by
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The Internet has revolutionized society – including how our children are educated. With its vast reach, the knowledge once contained in isolated, distant locations is now accessible to millions of children at their local libraries, schools, or home. Unfortunately, the most violent, offensive, and graphic forms of pornography are also readily available.

The Children’s Internet Protection Act requires schools and libraries receiving Internet access through a federal program providing discounted rates, to certify that filtering or blocking technology has been placed on computers in order to block access to illegal pornography, child pornography and material harmful to minors via those computers. What follows is a brief explanation of legislation passed by the House of Representatives and its Senate counterpart, which is still under consideration. Although both seek to prevent children from accessing sexually explicit material, they differ slightly in their approach:

- Legislation offered by Sen. John McCain requires schools to filter or block out obscenity and child pornography while computers funded through this special discount rate are in use by a minor. Additionally, school board and library officials are given the authority to block out other material they find to be inappropriate for minors. In the event that a public library has only one computer, that library must certify that it is enforcing a policy to ensure that minors do not use it to access obscenity or child pornography.
- Legislation offered by Rep. Bob Franks (R-N.J.), which was passed by the House of Representatives as an amendment to the Juvenile Justice Bill, requires schools and libraries receiving this same discounted rate to certify that they have placed filtering or blocking technology on all computers with Internet access in order to prevent anyone from accessing obscenity, child pornography, and materials deemed harmful to minors.

Sen. McCain’s legislation expressly prohibits the federal government from establishing the criteria by which material is determined to be “inappropriate” or reviewing determinations made under the mandate to block out obscenity and child pornography. Rep. Franks’s legislation expressly prohibits the government from reviewing determinations made under the requirement to block material harmful to minors (a determination to be made by local officials based upon state “material

harmful to minors” statutes). Both pieces of legislation require schools and libraries that don’t comply to immediately repay funds received or saved through the federal program.

Regardless of which version the final legislation most resembles, this legislative effort will protect children from exposure to illegal pornography and prevent the establishment of federally funded “peep shows” in schools and libraries.

PORNOGRAPHY: THE FAST LANE OF THE SUPERHIGHWAY

THE INTERNET AND CHILDREN.

Children Regularly Use the Internet

- An estimated 11 million children have access to the Internet, and more than half of the nation’s classrooms currently have access as well.¹
- 60 percent of U.S households with children 8-17 have home computers, 61 percent of which include Internet access.²

Kids Go Online for:

- **Homework:** 27 percent of 8- to 12-year-olds and 38 percent of 13- to 17-year-olds.
- **Research:** 26 percent of 8- to 12-year-olds and 22 percent of 13- to 17-year-olds.
- **Games and Puzzles:** 32 percent of 8- to 12-year-olds and 14 percent of 13- to 17-year-olds.³

America’s classrooms and local libraries will soon be wired with a direct line to Internet pornography, funded by tax dollars. Furthermore, parents cannot look over the shoulders of their children as they access their schools’ computers, and, quite often, neither can teachers. Public libraries, another place parents assume their children are safe, refuse to restrict access to material based upon age,⁴ so pornography that children may not purchase at a convenience store is readily available to them in public libraries. Deviancy online goes beyond pornography to include the gamut of obscenities: bestiality, rape, torture, excretory functions, child pornography and all forms of deviant fetishes.

THE INTERNET AND SEXUALLY EXPLICIT MATERIAL.

Sexually Explicit Sites Are Pervasive:

- There are between 72,000 and 100,000 sexually explicit sites on the Internet.⁵
- Of approximately 3900 new sites that go up every day, at least 85 of those sell commercial pornography.⁶

The Online Sex Industry Is Big Business:

- Adult entertainment sites account for the third largest sector of sales on the Internet – behind computer products and travel.⁷
- It is estimated that these sites will make up to \$1 billion by the end of 1999 – the largest making more than \$100 million.⁸

Sex Sites Prey upon Inexperienced Users by:

- **Trapping Users on Their Sites:** In an effort to increase advertising revenues (by demonstrating a heavy flow of traffic visiting their sites), many sites now use technology to trap unsuspecting Internet users on their sites by manipulating the browser's "back" button to continue reloading the same page or opening a new browser window when the user tries to exit the application.⁹ This will increase the number of "hits" to a site, making it appear as though more people are visiting it than actually are.
- **Preying upon Typing Mistakes:** By mistyping a letter in a World Wide Web URL or using the wrong domain name, children can access bestiality, graphic sexual torture, rape, and excretory functions. The most recent victims of this technique are children searching for the new Game Boy character "Pokemon." By misspelling this name, one is immediately directed to an adult website.¹⁰
- **Using Search Terms Commonly Used by Children to Direct Unsuspecting Internet Users toward Adult Sites:** A search including the terms *toy*, *pet*, *woman*, or *girl* will yield numerous pornography sites displaying free "teaser" pictures that sell thousands of hard-core images. In fact, researchers and CyberPatrol regularly use words such as *teen*, *Barbie* and *Disney* to pull up the latest in graphic Internet content when updating their software so that users don't view them!¹¹ Because of a child's lack of sexual sophistication, the pornographers' so-called "warnings" fall on deaf ears and actually invite an immature youngster to venture further, especially boys actually looking for the forbidden fruit of pornography.¹²

THE INTERNET AND PARENTS.

A Recent Survey of 1,102 Parents Found that Parents:¹³

- **Like the Internet:** Eighty-one percent of parents with online access in their homes believe that their children will "discover fascinating [and] useful things they never heard of before" while searching the Internet.¹⁴ Sixty-eight percent of these parents believe that children who do not have Internet access are at a disadvantage.¹⁵
- **Rely upon Schools and Libraries to Provide Safe Internet Access:** Fifty-eight percent of parents without home Internet access reported that because their kids can get access from other places, there is no real need for it at home.¹⁶
- **Fear that Their Children Will Access Sexually Explicit Material:** Even parents who recognize the benefits of the Internet (enough to purchase access from home) are deeply concerned about the material that their children may encounter while online. Seventy-six percent of parents with online access at home are worried that their children might give out personal information and view sexually explicit images on the Internet.¹⁷ It is quite instructive that this fear of the worst elements of the Internet is shared by so many parents – regardless of whether they have Internet access in their homes. Eighty-two percent of parents without home Internet access are worried that their children will view sexually explicit images.¹⁸

Parents Consistently Act to Prevent Their Children from Accessing Pornography:

- **One-third Use Filters at Home:** Thirty-two percent of parents with home Internet access use Internet filtering software to guard children from dangerous sites.¹⁹
- **Require Adult Supervision While Online:** Seventy-three percent of parents of 8- to 12-year-olds with home Internet access and 29 percent of parents of 13- to 17-year-olds with home

Internet access require that their children go online *only* with an adult whether inside or *outside the home*.²⁰ Furthermore, 88 percent of these parents with 8- to 12-year-olds and 73 percent of these parents with 13- to 17-year-olds try to “keep an eye on” what their child is doing while online.²¹ Eighty-seven percent of parents of 8- to 12-year-olds without home Internet access and 65 percent of parents of 13- to 17-year-olds without home Internet access prefer their child to go online only with an adult.²²

- **Restrict the Sites They Are Allowed to Visit:** Eighty-four percent of parents of 8- to 12-year-olds and 71 percent of parents of 13- to 17-year-olds regulate which sites their children may visit.

Nexus between Illegal Pornography and Crime: Parents of minors are wise to fear the effect of pornography upon their children, as more public libraries and schools provide children with unsupervised and unrestricted Internet access. Eighty-six percent of convicted rapists have admitted to regular use of pornography; 57 percent admitted imitating pornographic scenes in the commission of their crimes; and 86 percent of those who had molested girls and 77 percent of those who had molested boys admitted to regular exposure to hard-core pornography.²³ One of the largest consumer groups of pornography is 12- to 17-year-old boys.²⁴

Parents Need Help When They Cannot Be Present: What are parents to do when a teacher cannot supervise their children at school or when librarians either cannot or will not monitor a child’s Internet use? Placement of filtering or blocking technology on school and library computers will ensure that parental rights to direct a child’s upbringing are respected when parents are not able to be present while their child is at school or the library. Furthermore, it reinforces the teachings and values of an overwhelming majority of parents as well as the public policies of the federal government and all 50 states: The viewing of pornography is harmful to a child’s development.

NO ONE HAS A RIGHT TO ACCESS ILLEGAL PORNOGRAPHY

ADULTS HAVE NO LEGAL RIGHT TO ACCESS OBSCENE MATERIAL OR CHILD PORNOGRAPHY.

Contrary to what free speech absolutists will have you believe, *adults do not have a constitutional right to access obscenity*. Furthermore, the *mere possession of child pornography is illegal*. Acting to restrict patron access to illegal pornography in public libraries and public schools is entirely consistent with the First Amendment.

FILTERS ASSIST PUBLIC OFFICIALS TO ENFORCE PUBLIC POLICY. The placement of filters on public school computers is an exercise of public school officials’ duty to determine the educational suitability of all material in their schools. Similarly, public libraries have no obligation to provide unrestricted access to sexually explicit material via their taxpayer-funded computers.

Current congressional legislation is entirely consistent with Supreme Court precedent and both national and state public policies.

THE U.S. SUPREME COURT HAS CONSISTENTLY HELD THAT OBSCENITY AND CHILD PORNOGRAPHY ARE *NOT* PROTECTED BY THE FIRST AMENDMENT.

- “The lewd and obscene, the profane, the libelous, and the insulting or ‘fighting’ words ... are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and

- morality.”²⁵
- There is no right to publicly and commercially disseminate or exhibit obscene materials, even though private possession in one’s own home is protected. (This holds true especially when the mode of dissemination carries with it the danger of offending the sensibilities of unwilling recipients or exposure to juveniles.)²⁶
 - Even consenting adults may not exhibit obscene materials in places of public accommodation.²⁷
 - There is no right for consenting adults to receive, transport, or distribute obscenity even if for private use or not for commercial or pecuniary gain.²⁸
 - *Reno v. ACLU* reaffirmed the constitutionality of the enforcement of federal obscenity and child pornography statutes in cyberspace.²⁹
 - Production, possession, receipt, transportation and distribution of child pornography are prohibited.³⁰

Federal and State Laws: Federal law prohibits the transportation (including the mailing³¹), sale, distribution and receipt of obscene material;³² possession with intent to sell, and sale, of obscene material on federal property;³³ the transportation, shipping, receipt and distribution of child pornography; the sale or possession with intent to sell of child pornography; and the knowing possession of visual depictions of child pornography made in whole or in part of materials transported in interstate or foreign commerce.³⁴ Most state laws make it illegal to use computer transmission to disseminate, exhibit, or distribute obscenity within a state. All states criminalize the distribution, dissemination, and exhibition of child pornography and most prohibit possession, as well. Libraries and educational institutions utilizing “interactive computers services” could be found to be subject to the provisions of these laws.³⁵

THERE IS A CONSTITUTIONAL MANDATE TO PREVENT CHILDREN FROM ACCESSING SEXUALLY EXPLICIT MATERIAL.

Psychological Effects of Pornography on Children: The U.S. Supreme Court has consistently recognized society’s “compelling interest” in protecting minors from sexually explicit material defined as “harmful to minors.” The societal availability of pornography erodes public standards of morality affecting all members of the community and in particular children. In *Ginsberg v. New York*,³⁶ the U.S. Supreme Court recognized the observations of psychiatrist Dr. Gaylin of the Columbia University Psychoanalytic Clinic, reporting on the views of psychiatrists in 77 YALE LAW JOURNAL at 592-593:

‘Psychiatrists ... made a distinction between the reading of pornography, as unlikely to be per se harmful, and the permitting of the reading of pornography, which was conceived as potentially destructive. The child is protected in his reading of pornography by the knowledge that it is pornographic, *i.e.* disapproved. It is outside of parental standards and not a part of his identification process. To openly permit implies parental approval and even suggests seductive encouragement. If this is so of parental approval, it is equally so of societal approval – another potent influence on the developing ego.’

THE U.S. SUPREME COURT HAS UPHELD RESTRICTIONS ON THE FOLLOWING MEDIA TO PREVENT MINORS FROM EXPOSURE TO MATERIAL HARMFUL TO MINORS.

- **Broadcast Media:** Federal law prohibits broadcasters from airing indecent sexual material when

children are likely to be in the audience or when unconsenting adults may be viewers.³⁷

- **Print Media:** States criminalize disseminating harmful “soft-core” pornographic material to minors, even though the material may not be obscene for adults³⁸ and governmental regulations may also act to *facilitate parental control* over children’s access to sexually explicit material.³⁹
- **Telephone Services:** Obscene Dial-a-Porn is banned from phone systems,⁴⁰ and indecent Dial-a-Porn is regulated by credit cards, access codes, or subscription so as to avoid access by minors.⁴¹

U.S. Supreme Court Recently Affirmed the Constitutionality of State “Material Harmful to Minors” Statutes: The most recent U.S. Supreme Court case to address congressional efforts to regulate sexually explicit material in order to protect children, *Reno v. ACLU*,⁴² left the right of states to enforce such “harmful to minors” laws undisturbed. In *Reno*, the Court reiterated its prior definitive holdings that protecting children from exposure to obscene and harmful material is a matter of “compelling” and “surpassing” state interest.⁴³ This area of the law is quite settled, as evidenced by the fact that there are very few prosecutions for providing harmful matter to minors, because convenience stores, video stores, theaters, and even “adult” porn shops comply with state “harmful to minors” and display laws.⁴⁴

Most states have enacted “harmful to minors” legislation, patterned after the New York statute upheld by the U.S. Supreme Court in *Ginsberg v. New York*,⁴⁵ which placed 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 the scope of the constitutional freedom of expression secured to a citizen to read or see material concerned with sex can be made to depend on whether the citizen is an adult or a minor; that protecting children from exposure to obscene or harmful material satisfies a compelling state interest; and that parents and others who have the primary responsibility for children’s well-being are entitled under the U.S. Constitution to receive the support of laws designed to aid discharge of that responsibility.⁴⁶

NO COURT HAS HELD THE USE OF FILTERS TO BE *PER SE* UNCONSTITUTIONAL. Only one case has addressed the constitutionality of the use of filters in a public library: *Mainstream Loudoun v. Loudoun County Board of Trustees*.⁴⁷ The case, which is precedent only in Loudoun County, Va., failed to recognize four crucial facts:

1. **When a state purchases speech, it has no obligation to purchase *all* speech.** A state may act in a more restrictive manner when acting as a *provider* of speech (when the government purchases speech in order to provide it to the public) than it may when acting as a *sovereign* (regulating private speech on behalf of the general welfare of society). When regulating public schools, public libraries or public school libraries, the government is acting as provider, *not* sovereign.⁴⁸
2. **There is no constitutional requirement that the government provide access to pornographic images through public schools or libraries.** An individual has a right to access legal pornography through his or her own computer but *not* via a publicly funded computer, and certainly does *not* have a right to access illegal pornography via a government-funded computer.⁴⁹ The U.S. Supreme Court has stated, “Environments such as a prison, *public schools*, the military, or the government workplace ‘must allow regulation more intrusive than what may lawfully apply to the general public.’”⁵⁰ (Emphasis added.)

3. The First Amendment rights of adults may be subject to limitations in order to protect children from accessing material that only adults have a right to view.⁵¹
4. Filters are constantly evolving technology, and libraries have the ability to customize programs based upon their own settings.⁵²

THE LEGAL EFFECTS OF FAILING TO FILTER OUT PORNOGRAPHY.

1. **By distributing illegal material at taxpayer expense, public schools and libraries are creating contempt for the laws under which private individuals may be prosecuted.** Under the legally recognized test to determine whether material is “obscene”⁵³ or “harmful to minors,” that material must be judged in light of community standards. “Community standards” are determined in the community from which the jury pool is drawn. Each juror is presumed by law to know what the views of the average or reasonable person are (in the same way that jurors in civil cases are held to know what constitutes “reasonable” conduct under the “reasonable person” standard for negligence, and so on). Failure to keep pornography out of libraries may result in sexually oriented businesses pointing to its availability in local public libraries as proof that their own material is now “accepted” in a community.⁵⁴ Recently, the publisher of a pornographic magazine in Arizona used this very argument to defend against his arrest for distributing material harmful to minors in violation of a state law prohibiting the distribution of material harmful to minors via sidewalk vending machines that are accessible to minors. He argued that the Phoenix Public Library

has materials available for minors which are infinitely more graphic than Defendant’s newspaper. ... A Comparison between Defendant’s newspaper and materials the State itself has available for minors for free proves that the State’s standards tolerate material which is infinitely more ‘patently offensive’ in terms of the written word, pictures and/or images evoked than anything in Defendant’s newspaper.⁵⁵

2. **Creation of a “Hostile Environment” in Violation of Workplace Discrimination Prohibitions:** The viewing of pornography in public places creates an “offensive, uncomfortable, and humiliating environment for women co-workers” and can “constitute or be evidence of sexual harassment in violation of state and federal civil rights laws and create or contribute to a hostile enforcement in violation of Title VII’s general prohibition against sexual discrimination in employment practices.” Businesses and offices, public and private, are constrained by various federal and state laws, with respect to conduct in the workplace, and the duty to take affirmative steps to eradicate workplace discrimination. The eradication of workplace discrimination is more than simply a legitimate governmental interest, it is a compelling governmental interest. State and federal governments have a compelling interest in eliminating discrimination against women by removing barriers to their economic, political, and social advancement within our culture.⁵⁶ In addition to its connection to crimes against women, pornography demeans and objectifies women by reducing their worth to nothing more than a tool for male sexual gratification.
3. **Schools May Be Held Financially Liable for a Failure to Take Affirmative Steps to Prevent Student-on-Student Sexual Harassment.** With its recent decision in *Davis v. Monroe*,⁵⁷ the Court held that a hostile environment claim can be entertained by a court of law when a plaintiff seeks damages for a school district’s failure to address a hostile environment

constituting sexual harassment in violation of Title IX. Failure to place filters on computers with Internet access, especially if it follows student and parental complaints, could be evidence of a failure rising to the level of legal liability.⁵⁸

FEDERAL LAW PROVIDES “GOOD FAITH” IMMUNITY FROM SUITS PROMPTED BY MISTAKEN BLOCKING OF CONSTITUTIONALLY PROTECTED MATERIAL. Libraries and schools making good faith use of filtering and blocking technology to prevent children from accessing obscenity and material harmful to minors, and adults from accessing obscenity, are protected from civil liability by the “Good Samaritan” immunity, provided by federal law.⁵⁹ (The “Good Samaritan” immunity also extends to civil protection from suits by those who would try to force an institution to carry its material, even if that material is “protected.”) Libraries and educational institutions are specifically provided immunity as providers or users of interactive computer services for “any action voluntarily taken in good faith to restrict access or availability of material that the provider or user considers to be obscene ... excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected.” The law also protects an ISP, online service, or institution that filters out or restricts access to certain “hate speech” or other offensive pornographic or violent materials so as not to assist those speakers, even though their message would be available otherwise on the Web or in newsgroups.⁶⁰ Such filters could also provide a criminal law defense against the “knowing” transmission of illegal pornography inadvertently or deliberately accessed.

Proposed legislation simply requires public schools and public libraries to be in compliance with U.S. Supreme Court precedent and federal law by preventing adult access to illegal pornography and access to material harmful to minors by children.

FILTERING AND BLOCKING TECHNOLOGY IS AN EFFECTIVE TOOL FOR SCHOOLS TO PREVENT THE USE OF THEIR COMPUTERS TO ACCESS PORNOGRAPHY

CHILDREN USE THEIR SCHOOL’S INTERNET ACCESS WHEN NOT ACCESSING THE INTERNET FROM HOME. Seventy-six percent of 8- to 12-year-olds and 83 percent of 13- to 17-year-olds access the Internet at their schools.⁶¹ Seventy-two percent of 8- to 12 year-olds and 75 percent of 13- to 17-year-olds who do not have Internet access at home access the Internet at school.⁶² Clearly, there is a strong likelihood that your child will access the Internet while at school. Parents, however, cannot be present while their children use the Internet at school to ensure that they do not intentionally search for pornography, to steer them away from methods of searching that may increase their chances of accessing pornography, or to offer instruction on how a child should interpret sexually explicit material based upon that family’s worldview.

PUBLIC SCHOOLS ARE AN ENVIRONMENT WITHIN WHICH ACCESS TO PORNOGRAPHY SHOULD BE PROHIBITED. There is no educational purpose for which public school students must access material harmful to minors or obscenity. Therefore, it is entirely appropriate that such material be blocked out on Internet-accessible computers in public schools. A recent study of Utah public schools found that out of 54 million Web access attempts, filters mistakenly denied access 64 times – an accuracy rate of 99.9994 percent.⁶³

In *Board of Education v. Pico*,⁶⁴ the U.S. Supreme Court recognized the power and discretion of school boards to select those materials that it finds to be “educationally suitable” or “pervasively

vulgar.” In *Hazelwood School District v. Kuhlmeier*,⁶⁵ the Supreme Court stated that “schools do not possess all the attributes of streets, parks, and other traditional public forums that time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions.”⁶⁶ It also affirmed the right of schools to control the content of curriculum. Use of the Internet has become a mainstay in some school curricula and it is well within a school district’s right to limit and restrict what material enters the school as a part of its curriculum if it is not “educationally suitable” or if it is “pervasively vulgar.”

Here Is What Has Happened in Schools that Have Failed to Filter Their Computers:

- **Students Disciplined for Accessing Sexually Explicit Material:** In Waldo, Fla., two fourth-grade boys who were supposed to be searching for jet airplanes were disciplined after their teacher discovered them searching for “a mild vulgarity that refers to a woman’s breasts” on the classroom computer. After disciplinary notes were placed in the boys’ files, their parents became angry that the school had not filtered out the material. The school had in place a student code of conduct signed by parents forbidding computer misuse.⁶⁷

In Santa Barbara, Calif., two elementary-school boys were suspended after accessing sexually explicit pictures via their school’s Internet accessible computer. They were restricted from the computer room for the rest of the year.⁶⁸ Due to the ease with which children may now unintentionally access pornography, filtering software will protect students who did not intend to access such material but would be disciplined under such policies.

- **Acceptable-use Policies Are Easily Abused:** In Sharon, Mass., public school officials were forced to strengthen their acceptable-use policy after several incidents in which students accessed sexually explicit material on school computers. The policy, which had stated that administrators have the right to determine what activities are appropriate, was changed to explicitly prohibit the use of sites involving sex, violence, or drugs. Teachers are required to monitor their students’ use during class time.⁶⁹
- **Excessive Abuse May Result in Schools’ Restricting All Students’ Access to a Valuable Educational Resource:** Officials in Wilsonville, Ore., were forced to restrict access to its computer center after discovering students viewing pornography including “naked women, violent song lyrics, and handbooks on how to make bombs.” In response, the school closed the center during free time (before and after school and during lunch), and only students accompanied by teachers were allowed into the room. Many students were angered that the school’s computer resources, called the “high-tech high” for the computer equipment made available to students, were available only on such a restrictive basis. The school ultimately installed software to block access to subjects on sex, violence, and pornography.⁷⁰
- **Teachers Accessing Sexually Explicit Material:** In December of 1997, school officials in Pasadena, Calif., blocked employee dial-up access to the Internet after more than 100 were found to have logged on to pornographic websites. Daily monitoring of passwords revealed that “much, much more than 100” staff and teachers had visited porn sites using passwords distributed in order for them to receive dial-up Internet access from home. The privilege was rescinded once the visits were discovered.⁷¹

FILTERING AND BLOCKING TECHNOLOGY: THE MOST EFFECTIVE METHOD FOR LIBRARIES TO PREVENT INTERNET ACCESS ABUSE

ACCEPTABLE-USE POLICIES DO NOT WORK. Eighty-five percent of public libraries currently have policies similar to the acceptable-use policy employed by the Los Angeles Public Library, yet these libraries continue to report extensive problems with patrons accessing pornography.⁷² Indeed, a recent report on 613 libraries nationwide found 503 incidents involving obscenity and child pornography being accessed through local public libraries – of these, 245 involved children⁷³ – despite a wide majority having acceptable use policies in place.⁷⁴

Here Are Examples of What Has Occurred under Los Angeles’s Acceptable-use Policy:

1. Adults Accessing Pornography:

- The machines are regularly steered to online photos of naked women, digitized videos of sex acts and explicit chat-room discussions. Patrons use stolen or made-up credit card numbers to visit pay-per-peek porn sites. Despite a 30-minute time limit on Internet use, legitimate researchers often have to wait in line because the machines are tied up by users searching “X-rated chat rooms.”⁷⁵
- An 18-year-old college student and at least half a dozen friends, plus assorted businessmen and “street people,” admitted to routinely searching the Internet for pornography. They often use methods recommended on Internet sites that post credit-card-number formulas that can be used to get into live-action websites where customers must pay up to \$10 a minute to type instructions to a stripper and watch her perform as requested.⁷⁶

2. Adults Accessing Child Pornography: 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 three. He would arrive at the library as soon as it opened up and sign up to use each computer on each floor. He maintained his website from there while e-mailing and communicating with members of his club. He sent an undercover police officer as many as 300 images of child pornography.⁷⁷

3. Children Accessing Pornography:

- A young boy approximately 13 or 14 years old was observed viewing sexually explicit adult material over the Internet. Despite complaints to the librarians, nothing was done about it. He was later observed printing out sexually explicit pictures from the Internet on the library printer located at the reference desk.⁷⁸
- A young girl approximately 10 or 12 years old was observed searching sexually explicit sites on the Internet.⁷⁹

LIBRARIES HAVE BEEN PROMPTED TO INSTALL FILTERS AFTER NUMEROUS AND SERIOUS INCIDENTS INVOLVING PORNOGRAPHY.

Accessing “Hard-core” Pornography: In Orange County, Fla., filters had to be installed after a number of people came to the library to access hard-core pornography, described as the “stuff in the

back room of adult bookstores.” Patrons reportedly viewed such material for hours.⁸⁰

Distribution of Child Pornography:

- In Austin, Texas, public library officials installed filters after discovering that the library was being used as an open conduit for the distribution of child pornography:
 - ◆ A patron printed images of child pornography on a library printer. Staff confiscated the pictures over the vehement objections of the patron.⁸¹
 - ◆ The second incident occurred at another branch, Twin Oaks, where the circulation supervisors witnessed an adult customer instructing a group of children on how to access pornographic sites on the Internet.⁸²
- In Multnomah County, Ore., a patron was discovered using the library’s computers to secure business for child pornography.

A Recent Survey Reveals How Extensive This Problem Is: As mentioned earlier, a recent survey of 613 libraries in 50 states found 503 incidents of patrons accessing pornography in public libraries.⁸³ There are 14,945 public library facilities in the United States.⁸⁴ One can only imagine the number of incidents that would be unearthed if all of these libraries were studied.

The following are just a few of the worst examples in the survey:

- **Inappropriate Sexual Conduct:** In Fort Collins, Colo., a boy was reported looking at pornography and fondling himself.⁸⁵
- **Attempted Molestation:**
 - ◆ In Phoenix, Ariz., a 13-year-old boy who regularly accessed pornography in the public library attempted to molest a 4-year-old boy after being dared to by an adult pedophile in an Internet chat room.⁸⁶
 - ◆ In Jefferson, Colo., a mother reported leaving her 7-year-old daughter alone in the library’s children’s room. When she returned, an adult male was sitting next to her daughter and a frontal image of a nude male was on her computer screen. The mother immediately left the area with her daughter, after which the 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 family chose not to report the incident to the police.⁸⁷
 - ◆ In St. Charles, Mo., a 17-year-old boy who had already served two years in a state facility in treatment for sexual offenses was arrested after he was discovered viewing porn at the local library – a violation of his treatment program. When arrested, he was in the company of a “younger boy who looked about 10 years old.”⁸⁸
 - ◆ In Austin, Texas, the circulation supervisor witnessed an adult patron instructing a group of children on how to access pornographic sites on the Internet.
 - ◆ In Beaumont, Texas, a library patron complained that two young men were viewing pornography in close view of small children. One of the boys was later observed instructing a younger boy on how to view the same site.

FILTERING AND BLOCKING TECHNOLOGY IS AN EFFECTIVE TOOL FOR PREVENTING ACCESS TO ILLEGAL PORNOGRAPHY

Whether accessed from the home, a library, or a school, sexually explicit material has a deleterious effect on children. Legislation requiring the placement of filtering or blocking technology on computers, to prevent access to illegal pornography by adults and material harmful to minors by children, protects children, allows schools and libraries to comply with U.S. Supreme Court precedent and federal and state laws while allowing local officials the necessary discretion to determine which products best suit their communities.

FILTERS 101: HOW DO FILTERS WORK?

Filters Work in Four Different Ways:

- **Blocking Pre-selected Sites:** Blocking company employees search the Internet for sites fitting one of their blocking categories. An editor reviews these selections, which are then placed on stoplists (a list of sites that should be blocked). There is an obvious potential for sites to be mistakenly placed on a stoplist, but there is no evidence that the number of mistakes is significant.⁸⁹
- **Blocking by Word:** Internet pages are prevented from loading when the filter encounters a word on its list of banned words. Most current editions of blocking software allow for word-blocking to be turned off.⁹⁰
- **Allowing Lists:** This type of filter uses a pre-selected list of approved sites. This method is almost 100 percent effective at blocking out porn, but may leave out good sites that selectors have not found yet. This method is best for environments where maximum effectiveness is needed such as with very small children.⁹¹
- **Blocking Entire Categories Like Chat and Newsgroups:** This type blocks entire portions of the Internet such as newsgroups, chat rooms, e-mail, and games.⁹²

FILTERS 102: DISPELLING THE MYTHS.

Fiction: Filters Are Clumsy.

Fact:

- In a two-week study of Utah public schools, conducted in October of 1998, 54 million entries of Internet files were accessed. Of these entries filters blocked 205,737 of the files. Only 64 were mistaken blocks, a 99.9994 percent accuracy rate.⁹³
- In December 1997, “The Censorware Project,” the same group that conducted the Utah study, examined CyberPatrol’s list and found 60 sites that were clearly blocked inappropriately.⁹⁴ This is in light of the fact that the number of individual websites is “widely believed to be in the millions.”⁹⁵
- In 1997, a study of 24 public libraries that use filtering software on their computers found an average of 1.6 complaints per month.⁹⁶

Fiction: Breast Cancer Sites Will Be Blocked.

Fact: Most current blocking software editions allow for word-blocking mechanisms to be turned off. Furthermore, most software companies do not block sites that may contain nude artwork or nudity on legitimate medical educational sites.⁹⁷ Other companies distinguish nudity on sites containing National Geographic or Smithsonian publications, sites hosted by museums, and sites addressing sexual health

(unless addressed in graphic examples).⁹⁸ Again, the most reliable software companies allow for the unblocking or reclassifying of sites that are mistakenly placed on their “stoplists.”

Fiction: This Is a Slippery Slope – Next We Will Have to Filter Politically Disfavored Materials.

Fact: A library is being asked to filter out only the same material that it would not acquire in print or video format.

Fiction: Filters Impose Someone Else’s Values.

Fact: To allow material (regardless of whether it has received constitutional protection) into a library via the Internet is itself a value judgment – that all “speech” should be accessible to everyone. Those who support filtering and blocking technology in schools and libraries are asking only that the standards used by schools and libraries to determine what material will be selected are consistent with Supreme Court precedent and with federal and state policies. Furthermore, educators routinely impose values when they make determinations regarding curricular content.

Fiction: Libraries Don’t Censor.

Fact: Wrong – most libraries do censor pornographic magazines and videos. Of the 8,921 public library systems in the United States, none subscribe to *Hustler* or own any copies of common adult videos.⁹⁹

Fiction: Filters Turn over Selection to Non-librarians.

Fact: Librarians have always relied on vendors to pre-select, buying books on approval plans and buying “full-text magazines” on CD-ROM. This will only continue as the list of potential materials a library may wish to offer grows.

Fiction: Filters Rely on Secret Lists of Banned Sites, Allowing for Hidden Agendas.

Fact: Of those products recommended by experts, no bias or agenda can be proven. All of the leading blocking software programs allow users to access sites containing material covering such controversial topics as AIDS, feminism, and abortion.¹⁰⁰

Fiction: The Internet Changes Too Quickly for Filters to Be 100 Percent Effective.

Fact: No filter program will be 100 percent effective, but the best score in the 90s at blocking out pornography.¹⁰¹

Fiction: Libraries Shouldn’t Be Telling Users What Is Appropriate to View.

Fact: Librarians have always dictated what material and behavior is appropriate for their libraries. Although librarians refrain from telling users which materials the library carries that they may access, they have always restricted what materials the library will offer its patrons. This is the very same choice librarians would make by providing filtered Internet access.¹⁰²

CONCLUSION

The Internet is emerging as a powerful educational tool of the modern era. Recognizing the educational revolution that it has ushered in, parents are actively seeking to expose their children to the many benefits of the Internet. However, these same parents fear the dark side of the Internet – rightly so.

As the federal government delivers this tool to the front steps of America's schools and libraries, children will be subjected to federally funded "peep shows" unless steps are taken to remove pornography from these computers. The ultimate responsibility for removing illegal content from the Internet lies with national law enforcement officials and the Department of Justice, who bear responsibility for enforcing federal criminal laws.

However, libraries and schools also play a pivotal role as the first line of defense in efforts to keep children away from this material. A parent's diligent and watchful eye is useless once his or her child has entered the school yard, since parents cannot supervise their children while at school. Nor is it always possible for parents to be present at libraries.

Acceptable-use policies are equally useless – they have failed in schools, forcing administrators to severely limit Internet access or install filtering or blocking technology to prevent the abuse of computers. In libraries, such policies have led not only to abuse of public resources but illegal activity including distribution of child pornography, attempted molestation, and the repeated exposure of children to graphic pornography. This is only exacerbated by the fact that most public libraries offer unrestricted Internet access based upon the American Library Association's "Library Bill of Rights," which instructs librarians to provide any material to patrons regardless of age – including hard-core (illegal under state and federal laws) pornography. This policy is used as justification against the use of filtering or blocking technology. Seventy-nine percent of children with Internet access at home access the Internet most often at school when outside of the home.¹⁰³ Librarians and school officials are in the best position to prevent children from accessing pornography while at school or in a library, whether through the Internet or traditional print media. For schools and libraries to refuse to bear this responsibility is an abdication of their role to assist patrons, and it endangers the children they have pledged to teach and protect.

The implications of unblocked Internet access are particularly troublesome for those children who have Internet access only at their schools or local libraries. These children will learn to use the Internet away from the loving care of parents capable of training them to safely navigate around its dangers. We have our strongest duty to assist these parents in their efforts to protect their children from harmful material. Otherwise, they will be left with only one option – expressly prohibiting their children from using the Internet.

Parents *must* be able to entrust school and library officials with the safety of their children. The Children's Internet Protection Act goes a long way towards this goal by providing parents with a tool that will assist them in their most important job – raising their children. By respecting the desires of parents to prevent their minor children from accessing pornography, Congress can provide much needed support to families in their battle with pornographers.

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9/3/99

ENDNOTES

¹ Representative Bob Franks (R-N.J.), Statement at Press Conference Introducing The Children's Internet Protection

Act (March 2, 1999).

² JOSEPH TUROW, *THE INTERNET AND THE FAMILY: THE VIEW FROM PARENTS; THE VIEW FROM THE PRESS* 6 (The Annenberg Public Policy Center of the University of Pennsylvania Report Series No. 27, 1999).

³ *Id.* at 18.

⁴ ROBERT MARSHALL, *COMPUTER PORNOGRAPHY: DEFEATING THE ACLU AND AMERICAN LIBRARY ASSOCIATION*, at 17 n.3 Family Research Council (1998): “Librarians and governing bodies *should not result to age restrictions* on access to library resources in an effort to avoid actual or anticipated objections from parents or anyone else. . . .”

⁵ DONNA RICE HUGHES, *KIDS ONLINE: PROTECTING YOUR CHILDREN IN CYBERSPACE* 54 (1998).

⁶ *Id.*

⁷ *Id.*

⁸ Louise L. Schiavone, *Washington’s Dirty Little Secret*, WASH. BUSINESS FORWARD, June 1999, at 27.

⁹ *Id.*

¹⁰ David Burt, *SHOCKING REPORT DETAILS HOW CHILDREN ARE LURED TO CYBERPORN*, July 9, 1999 (visited July 16, 1999) <http://filteringfacts.org/fl070999.htm>

¹¹ John Schwartz, *It’s a Dirty Job: Web Childproofers Keep Surfing Through Muck*, WASHINGTON POST, June 23, 1999 at 1, 12.

¹² NATIONAL LAW CENTER FOR CHILDREN AND FAMILIES, 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 51 (1997) [hereinafter LAW CENTER].

¹³ TUROW, *supra* note 2, at 8.

¹⁴ *Id.* at 14.

¹⁵ *Id.*

¹⁶ *Id.* at 25.

¹⁷ *Id.* at 14.

¹⁸ *Id.* at 25.

¹⁹ *Id.* at 6.

²⁰ *Id.* at 20.

²¹ *Id.*

²² *Id.* at 23.

²³ BUILDING THE FAMILY, BUILDING THE REPUBLIC: POLICY PROPOSALS FOR THE 106TH CONGRESS 31 (Robert W. Patterson, ed. 1998).

²⁴ FINAL REPORT OF THE ATTORNEY GENERAL’S COMMISSION ON PORNOGRAPHY (1986).

²⁵ *Chaplinsky v. New Hampshire*, 315 U.S. 568, 172 (1942). In *Miller v. California*, 413 U.S. 15, 24-25 (1973), the U.S. Supreme Court announced the constitutional test and definition for obscenity currently used by federal law and most state laws. The test seeks to address three possible qualities of speech: whether the material appeals to the prurient interest; depicts sexual conduct in a patently offensive way; and lacks serious literary, artistic, political, or scientific value. “The case also categorically reaffirmed that obscene materials are not protected speech, recognized that the States have a legitimate interest in criminalizing the dissemination or exhibition of obscene materials and could use community standards as a measure of the views of the average person for the prurient and patent offensiveness findings of fact.” LAW CENTER, *supra* note 12, at 10.

²⁶ *Stanley v. Georgia*, 394 U.S. 557, 567 (1969) (cited in *Miller v. California*, 413 U.S. 15, 18-19 (1973)).

²⁷ *Paris Adult Theatre I v. Slaton*, 413 U.S. 49 (1973).

²⁸ *U.S. v. Orito*, 413 U.S. 139, 141-42 (1973).

²⁹ *Reno v. ACLU*, 521 U.S. 844, at 877 n.44 (1997).

³⁰ *New York v. Ferber*, 458 U.S. 747 (1982). Child pornography is defined as follows: An unprotected visual depiction of a minor child (federal age is under 18) engaged in actual or simulated sexual conduct, including a lewd or lascivious exhibition of the genitals. See *New York v. Ferber*, 458 U.S. 747 (1982), *Osborne v. Ohio*, 495 U.S. 103 (1990), *U.S. v. X-Citement Video, Inc.*, 115 S. Ct. 464 (1994). See also *U.S. v. Wiegand*, 812 F.2d 1239 (9th Cir. 1987), *cert. denied*, 484 U.S. 856 (1987), *U.S. v. Knox*, 32 F.3d 733 (3rd Cir. 1994), *cert. denied*, 115 S. Ct. 897 (1995). In 1996, 18 U.S.C. § 2252A was enacted and § 2256 was amended to include child pornography that consists of a visual depiction that is or appears to be of an actual minor engaging in sexually explicit conduct. See *Free Speech Coalition v. Reno*, No. C-97-0281 SC, *judgment for defendants*, Aug. 12, 1997, *unpublished*, 1997 WL 487758 (N.D. Cal 1997).

³¹ 18 U.S.C. § 1461 (1999).

³² 18 U.S.C. § 1462 (1999), 18 U.S.C. § 1465 (1999).

³³ 18 U.S.C. § 1460 (1999).

³⁴ 18 U.S.C. § 2252 (1999).

³⁵ LAW CENTER, *supra* note 12, at 39.

³⁶ 390 U.S. 629, at 642, n.10 (1968).

³⁷ *FCC v. Pacifica Foundation*, 438 U.S. 726 (1978).

³⁸ *Ginsberg v. New York*, 390 U.S. 629 (1968).

³⁹ *See Action for Children's Television v. FCC*, 932 F.2d 1504 (D.C. Cir. 1991), *cert. denied*, 112 S. Ct. 1282 (1992); and *Sable Communications v. FCC*, 492 US 115 (1989).

⁴⁰ *Sable Communications v. FCC*, 492 U.S. 115 (1989), 492 U.S. at 124-26.

⁴¹ *Sable*, 492 U.S. at 121-22, 128-31.

⁴² *Reno v. ACLU*, 521 U.S. 844 (1997).

⁴³ LAW CENTER, *supra* note 12, at 40.

⁴⁴ *Id.*

⁴⁵ 390 U.S. 629 (1968). Harmful to minors is defined as any written, visual, or audio matter of any kind that: 1) the average person, applying contemporary community standards, would find, taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion; 2) the average person, applying contemporary community standards, would find depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, ultimate sexual acts, normal or perverted, actual or simulated, sado-masochistic sexual acts or abuse, or lewd exhibitions of the genitals, pubic area, buttocks, or post-pubertal female breast; 3) a reasonable person would find, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors. As with obscenity, in order to be found to be material harmful to minors, material must meet all three of these individual tests. LAW CENTER *supra* note 12, at 7.

⁴⁶ LAW CENTER, *supra* note 12, at 40.

⁴⁷ In 1998, the city of Livermore, California, was sued for its failure to prevent the downloading of "material harmful to minors" and "obscenity" by a boy in its public libraries. The suit asserted that such failure constituted a "waste of public funds," a "nuisance," and "premises liability" for refusing to "take steps to prevent children from being" harmed despite its knowledge that children can access this material, making the premises unsafe. *Complaint for Injunctive Relief*, May 28, 1998 (visited June 3, 1998), <http://filteringfacts.org/liv-comp.htm>

⁴⁸ This distinction was recognized, again, by the U.S. Supreme Court in its recent decision in *NEA v. Finley*, 118 S. Ct. 2168 (1998) when it held that there is no constitutional right to government funding of the arts: "And as we held in *Rust*, Congress may 'selectively fund a program to encourage certain activities it believes to be in the public interest, without at the same time funding an alternative program which seeks to deal with the problem another way.'"

⁴⁹ In *Capital Sq. Review Bd. v. Pinette*, 115 S. Ct. 2440 (1995), the Court stated: "It is undeniable, of course, that speech which is constitutionally protected against state suppression is not thereby accorded a guaranteed forum on all property owned by the State."

⁵⁰ *See Turner v. Safley*, 482 U.S. 78, 84-85 (1987); *Connick*, 461 U.S. at 143; *Tinker*, 393 U.S. at 507; *GMC* 131 F.3d at 276. In these environments, the government is permitted to balance constitutional rights against institutional efficiency in ways it may not ordinarily do. *Waters v. Churchil*, 511 U.S. 661, 675 (describing governmental power to restrict speech in the name of efficiency; *Safley* 482 U.S. at 88 (Noting balancing between First Amendment rights and governmental interests.)) *Amatel v. Reno*, 156 F.3d 192 (1999) *cert. denied*, 67 U.S.L.W. 3781 (1999).

⁵¹ *Ginsberg v. New York*, 390 U.S. 629 (1968).

⁵² For a review of the accuracy and capabilities of filtering and blocking technology, please *see* the final section of this paper, "Filtering and Blocking Technology Is an Effective Tool for Preventing Access to Illegal Pornography," or *see* www.filteringfacts.org.

⁵³ Obscenity is determined using the following test: 1) Whether the average person, applying contemporary adult community standards, would find that the material, taken as a whole, appeals to a prurient interest in sex (*i.e.*, an erotic, lascivious, abnormal, unhealthy, degrading, shameful, or morbid interest in nudity, sex, or excretion); 2) Whether the average person, applying contemporary adult community standards, would find that the work depicts or describes, in a patently offensive way, sexual conduct (*i.e.*, ultimate sex acts, normal or perverted, actual or simulated; masturbation; excretory functions; lewd exhibition of the genitals; or sadomasochistic sexual abuse); 3) Whether a reasonable person would find that the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. In order to be found obscene, material must meet all three of these individual tests. LAW CENTER *supra* note 12, at 7.

- ⁵⁴ Janet M. LaRue, Statement at Press Conference Introducing The Children's Internet Protection Act (March 2, 1999).
- ⁵⁵ *Defendant's Motion for Determination that the Newspaper in Question Is Not "Harmful to Minors,"* November 21, 1997 (visited June 29, 1999), <http://filteringfacts.org/everson.htm>
- ⁵⁶ LAW CENTER, *supra* note 12, at 32.
- ⁵⁷ *Davis v. Monroe*, 119 S. Ct. 1661 (1999).
- ⁵⁸ *Id.*
- ⁵⁹ 47 U.S.C. § 230(e)(2)(A).
- ⁶⁰ *Id.*
- ⁶² TUROW, *supra* note 2, at 18.
- ⁶³ *Id.* at 21.
- ⁶⁴ David Burt, *Censorware Project Helps Filtering Cause (Again)*, July 2, 1999 (visited July 16, 1999) <<http://www.filteringfacts.org/fl070299.htm>>.
- ⁶⁴ 457 U.S. 868 (1982).
- ⁶⁵ 484 U.S. 260, 267 (1988).
- ⁶⁶ *Id.* (quoting *Hague v. CIO*, 307 U.S. 496, 515 (1939)).
- ⁶⁷ Pamela Mendels, *Boys Will Be Boys, But Does the Internet Prove Too Tempting?* NEW YORK TIMES, March 25, 1998 (visited July 16, 1999) <http://www.nytimes.com/library/tech/98/03/cyber/education/25education.html>.
- ⁶⁸ *Santa Barbara Student Punished for Visiting Pornographic Sites on the Internet*, CBS NEWS TRANSCRIPTS, CBS THIS MORNING, March 20, 1997.
- ⁶⁹ Laura Wiley, *Internet Rule to Guard against Improper Uses*, THE PATRIOT LEDGER, May 28, 1997.
- ⁷⁰ David Stabler, *Fast Times at High Tech High: The Internet Presents Problems When Students Go Searching For Its "Red-Light District,"* THE OREGONIAN, October 12, 1995.
- ⁷¹ UPI Western U.S., *Report: School Blocks Internet Access*, December 9, 1997. Pasadena, Cal.
- ⁷² David Burt, *Testimony before the National Commission on Library and Information Science*, November 10, 1998 (visited June 22, 1999) <<http://www.filteringfacts.org/nclis.htm>>.
- ⁷³ David Burt, Statement at Press Conference Introducing The Children's Internet Protection Act (March 2, 1999).
- ⁷⁴ David Burt, *Dangerous Access: The Epidemic of Pornography in America's Public Libraries and the Threat to Children*, March 2, 1999 (visited June 22, 1999) <http://www.filteringfacts.org/da-main.htm>
- ⁷⁵ *Id.*
- ⁷⁶ *Id.*
- ⁷⁷ Andrew Blankstein, *Sex Offender Held in Child Porn Case Using Library's Computers*, February 12, 1999 (visited February 17, 1999) http://www.latimes.com/CNS_DAYS/990212/t000013497.html.
- ⁷⁸ Burt, *supra* note 76.
- ⁷⁹ *Id.*
- ⁸⁰ Mendels, *supra* note 68.
- ⁸¹ Burt, *supra* note 75.
- ⁸² *Id.*
- ⁸³ *Id.*
- ⁸⁴ David Burt, "Over 1,600 Public Libraries Are Now Using Filtering Software," November 14, 1998 (visited July 16, 1999) <http://www.filteringfacts.org/filtsurv.htm>
- ⁸⁵ Burt, *supra* note 76.
- ⁸⁶ *Id.*
- ⁸⁷ *Id.*
- ⁸⁸ *Id.*
- ⁸⁹ David Burt, *How Filters Really Work*, (visited June 22, 1999) <<http://www.filterfacts.org/howfilt.htm>>.
- ⁹⁰ *Id.*
- ⁹¹ *Id.*
- ⁹² *Id.*
- ⁹³ David Burt, *Censorware Project Helps Filtering Cause (Again)*, July 2, 1999 (visited July 16, 1999) <<http://www.filteringfacts.org/fl070299.htm>>.
- ⁹⁴ Burt, *supra* note 74.
- ⁹⁵ *Id.*
- ⁹⁶ *Id.*
- ⁹⁷ David Burt, *Responses to Arguments against Filtering*, (visited June 22, 1999) <http://filteringfacts.org/resp.htm>
- ⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ TUROW, *supra* note 2, at 18.