

Dear Library Board Members,

Hello. My name is Luke Gilkerson. I am a resident of the City of Owosso. Let me start by thanking you for your services as a board member of our Owosso library. Thank you making our library a valuable resource to this community, a place of learning and personal growth.

As you know, members of the community have raised concerns about the need for more adequate Internet filtering at the Owosso branch. I share this same concern, and I am writing to you to express that concern. I am also writing to encourage you in this process as you diligently search for the most viable solutions.

In recent days I have spent many hours researching legal and community standards surrounding the issue of Internet access at public libraries. In addition to reading material from the Children's Internet Protection Act and the Michigan Library Privacy Act, I have visited over 160 Michigan library websites to see how their Internet policies are written. I hope my information will be of help to you as you make your decisions.

As you know, library Internet policies differ from branch to branch, from location to location. Many policies cite the Michigan Public Act 212 (a.k.a. Michigan Library Privacy Act).¹ This law provides for the selection and use of library materials. Section 6 specifically states, "if a library offers use of the internet . . . the governing body of that library shall adopt and require enforcement of a policy that restricts access to minors." Libraries can choose one of two ways to accomplish this:

- Option #1: By reserving one or more computers specifically for minors (restricted from receiving obscene or sexually explicit matter) and by reserving one or more computers specifically for adults (that are not restricted).
- Option #2: By utilizing a system or method designed to prevent a minor from viewing obscene or sexually explicit matter.

Libraries in Michigan have employed either the first option, second option, or a combination of them.

I am proposing we place a reliable Internet filter on *all* library computers under the second option mentioned in Section 6. This would certainly be a good system designed to prevent a minor from viewing pornography, either intentionally or inadvertently. Further, to protect our patrons'

¹ <http://legislature.mi.gov/doc.aspx?mcl-Act-455-of-1982>

rights, a policy can be in place to disable the filter if it is overblocking information necessary for someone's research.

Many libraries around our state have chosen to implement an Internet filter on *all* their public computer terminals. Some do this to comply with federal regulations. I have listed some of the libraries at the end of this letter, including quotes from their Internet access policy statements.

I would specifically like to bring to your attention the Howell Carnegie District Library and the Hackley Public Library. Their policies cite Michigan Public Act 212 as the basis for their Internet protocols. The system they designed to prevent minors from viewing pornography is default filtering at all computer terminals—filtering which may be disabled if so requested by an adult.

I bring these examples to your attention not to give you the impression this is the *only* method in place in libraries across the state. It isn't. Rather, I merely want to point out one viable and effective way to avoid children being exposed to pornography is placing a more restrictive filter on *all* our computers.

When this issue was addressed in the Argus Press on May 23, Director Steven Flayer mentioned default filtering on all computers as an option available to us, but he objected on the grounds that anyone over age 18 can request to have the filter turned off.² This objection is alluding to the Children's Internet Protection Act (CIPA) for federally funded libraries which provides "An administrator, supervisor, or other authority may disable the technology protection measure [i.e. Internet filter] . . . to enable access for bona fide research or other lawful purposes."³ To be clear, it is not *any* request that must be honored, but only requests that reflect a need to do research or other lawful pursuits. Our policies can be written to reflect that.

It was this repeated phrase throughout the CIPA—"may disable the technology protection measure"— that encouraged the Supreme Court to uphold it when it was challenged by the American Library Association. While manually turning off an overblocking filter in a specific instance may be a small inconvenience, it was not deemed a violation or undue burden on free speech. The Justices stated, "[P]ublic libraries' use of Internet filtering software does not violate their patrons' First Amendment rights."⁴

² <http://www.argus-press.com/articles/2009/05/24/news/news2.txt>

³ <http://www.cybertelecom.org/cda/cipatext.htm>

⁴ <http://www.law.cornell.edu/supct/html/02-361.ZS.html>

In other words, when our own Supreme Court was weighing First Amendment rights and the protection of children, default filtering with the option to disable was seen as a good legal balance.

Furthermore even some libraries that have a few unfiltered computers also provide the computer terminal is in full view of the staff and other patrons. This usually provides a good social deterrent from looking at inappropriate material, and equips library staff to effectively monitor Internet use. I site examples such as Macomb County Library⁵ and Novi Public Library.⁶

In light of these examples, I would ask the Board put in place a policy that mandates filtering on all library terminals. I do not want my tax dollars providing a place for people to look at pornography. I trust you will look at all your options before you approve a good Internet policy. I echo the same words of the Supreme Court over whether federal funds should be denied to libraries that refuse adequate filtering. I apply these same words to my own tax dollars in my district:

Government here is not denying a benefit to anyone, but is instead simply insisting that public funds be spent for the purpose for which they are authorized: helping public libraries fulfill their traditional role of obtaining material of requisite and appropriate quality for educational and informational purposes. Especially because public libraries have traditionally excluded pornographic material from their other collections, Congress could reasonably impose a parallel limitation on its Internet assistance programs.⁷

Let me finish by saying why I care so deeply about this. For one, I am a father of two young boys, and I love the peace of mind going to our local library, knowing policies are in place making my job of guarding their eyes easier. Two, I spend the greater portion of my working hours networking and marketing online. I know how the Internet is a minefield of sensual images that no child should ever see.

Lastly, the biggest personal struggle I've ever fought was a compulsive use of pornography. I know how addictive it can be. I remember how I would seek out places like public libraries to feed my addiction. The more and more I did that, the less I cared who was watching me or what they saw. I can only pray my past actions did not harm passersby. It is very likely there are

⁵ http://www.macomb.lib.mi.us/mcl/internet_policy.htm

⁶ http://novilibrary.org/pdf_files/Internet%20Use%20Policy.pdf

⁷ <http://www.law.cornell.edu/supct/html/02-361.ZS.html>

others like me out there, men who have made poor choices or who have been subjected to pornography at young ages, who find themselves drawn to places like our library because they know how to access pornography there.⁸

I am very willing to have a few possible inconveniences in my library use if it means my children aren't going to be able to look over the shoulder of someone looking at porn. Do I think most people in our county feel the same? I would hope.

Thank you kindly for your time as you think about this important issue. I look forward to the upcoming Board meeting to see what progress is made.

Sincerely,
Luke Gilkerson
Internet Community Manager
Covenant Eyes, Inc.

⁸ For more information about compulsive porn use, read *In the Shadows of the Net: Breaking Free from Compulsive Online Sexual Behavior* (Dr. Patrick Carnes), *Treating Pornography Addiction* (Kevin Skinner, Ph.D.), or visit the National Coalition for the Protection of Children and Families (<http://www.nationalcoalition.org>).

Howell Carnegie District Library – “To comply with Michigan Public Act 212 of 2000, the library utilizes a third party product that provides filtered access. If you feel that a site is inappropriately blocked by the filter, please contact a staff member at a Service Desk. When requested, staff members can override the filtering for those individuals 18 years of age or older or minors who are accompanied by a parent or guardian.”⁹

Hackley Public Library – “As required by Michigan P.A. 212, only individuals 18 years of age or older or minors who are accompanied by their parent or guardian may use the Internet unrestricted. Use of the Internet by individuals under 18 years of age must be filtered. Filters may be disabled for individuals 18 years of age or older upon request.”¹⁰

Henika District Library – “The Henika District Library Board of Directors employs filters on all of its computers. While filters can provide fair and reasonable assurance that objectionable content will not be displayed, there is no guarantee that objectionable material will not be viewed. . . . Children below the age of ten must have a parent/guardian seated with them at all times in order to use library computers. . . . Wireless access is filtered and therefore is only available to users who are adults, or to minors (under 18 years of age) who are accompanied by a parent or guardian, in compliance with Michigan PS 212. Internet use is monitored. Users who are found to be using the wireless network to access pornography or other sexually explicit material will be barred from using the network.”¹¹

William P. Faust Public Library – “In order to comply with the *Children's Internet Protection Act (CIPA)*, the *Neighborhood Children's Internet Protection Act (NCIPA)*, and the *Michigan Public Act 212 of 2000*, the Library has adopted the following policies: All Internet workstations use software and/or hardware filters to block access to visual depictions of the kinds stipulated in the above acts (see VII.K, Internet Safety Policy). Adults age 19 or older may ask to have content filters disabled. Upon verification of age, a Library staff member will do so, without inquiring as to the purpose of the request, as quickly as is technically possible. . . . Any user not yet age 19 years old (including those who have reached their 18th birthday but not yet reached their 19th birthday) may use an unfiltered workstation in the company of a parent or legal guardian, with proper identification, who remains with the minor for the entire time that the minor remains at the workstation. . . . Parents or guardians, not the Library or its staff, are ultimately responsible for the materials selected and/or accessed by their children over the Internet. Filtering software may both fail to block offensive content and block inoffensive content inadvertently. Anyone using a filtered or unfiltered workstation, including personal hardware connected to our wireless network(s), is asked not to view materials on the workstations that might potentially be offensive to others. This includes the viewing of pornographic material.”¹²

⁹ http://www.howelllibrary.org/policy_3.htm

¹⁰ http://www.hackleylibrary.org/?page=internet_use_policy

¹¹ http://www.henikalibrary.org/acceptable_computer_use_policy.php

¹² http://westland.lib.mi.us/about/internet_policy.php

Genesee District Library – “GDL uses the least restrictive blocking categories provided by the filter vendor that by their definitions appear to include Prohibited Content. GDL relies on the filter vendors and the Internet Filter to accurately identify and filter Prohibited Content. . . . All public computers are filtered. . . . If an adult wants unfiltered access to the Internet, the adult must make a request to staff to have the filtering software turned off. At least one computer in each location may become unfiltered.”¹³

Nottawa Township Library – “Nottawa Township Library . . . has chosen to filter all public access computers. These Acts require all public libraries to adopt and enforce policies restricting access of minors to obscene matter or sexually explicit materials. Our library is concerned in particular with the well being of children and wishes to protect them from obscenity, pornography, and materials that could be construed as harmful.”¹⁴

Loutit District Library – “To comply with the Children’s Internet Protection Act, access to the Internet is filtered. If you are 18 or older, the filters can be disabled by library staff. Please ask.”¹⁵

Capital Area District Library – “CADL uses a technology protection measure (or “Internet filter”) to restrict access to Internet sites that contain adult content (nudity and graphical depictions of sexual activity). The filter is designed to not block sex education or health sites. PC Reservation software is used to restrict minors under the age of 18 to filtered Internet access only. The same software also allows adults to turn off filters without staff intervention. In some libraries, groups of computers that are primarily used by children have been designated as always filtered.”¹⁶

Escanaba Public Library – “In compliance with state and federal regulations, filtering software is used on all library workstations to protect against access to depictions of graphic violence and explicit sexual content. Adults (18 and older) may request unfiltered access for research purposes at any time. The library reserves the right to ask individuals to discontinue display of information and/or images that would be considered offensive by others in the community.”¹⁷

Willard Library – “. . . in an attempt to provide a safe environment for children, all internet terminals will have filters and all terminals within the main library will be monitored by library staff.”¹⁸

Petoskey Public Library – “It is the policy of the Petoskey Public Library to: Prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communications.” They implement a “Technology

¹³ <http://www.thegd.org/aboutus/policies/internetusepolicy.pdf>

¹⁴ http://www.nottawatownshiplibrary.com/public_internet_policy.htm

¹⁵ http://www.loutitlibrary.org/index.php?option=com_content&view=article&id=152&Itemid=125

¹⁶ <http://www.cadl.org/answers/help/use-policies.html#internet>

¹⁷ <http://www.uproc.lib.mi.us/epl/Internet-policy-10-08.pdf>

¹⁸ <http://www.willard.lib.mi.us/acceptableuse.html>

Protection Measure” that “blocks or filters access to visual depictions” that are obscene, child pornography, and harmful to minors.¹⁹

Redford Township District Library – “Unless accompanied by a parent or guardian, patrons under 18 years of age must use a filtered Computer or Internet access. . . .The public Internet computers and Internet access are equipped with commercial filtering software. Adults 18 years or older may request to disable the filter on the computer. Adults 18 years or older who need unfiltered access may ask at the Reference Desk to have the settings changed on their terminal. . . . Users shall not access material that can be classified as obscene, child pornography, or harmful to minors.”²⁰

Bayliss Public Library – “The library's Internet accessible computers are filtered under state and federal law. Users aged 18 and over may request unfiltered access for research purposes.”²¹

¹⁹ <http://www.petoskeylibrary.org/inside.phtml?catid=64>

²⁰ <http://www.redfordlibrary.org/internet.htm>

²¹ <http://www.uproc.lib.mi.us/bpl/internet.html>