Censorship of Print and Electronic Resources: A Focus on Public and School Libraries

...Materials should not be excluded because of the origin, background, or views of those contributing to their creation...Libraries should provide materials and information presenting all points of view on current and historical issues...Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

Library Bill of Rights
The American Library Association

In conjunction with the First Amendment, the normative nature of the American Library Association’s Library Bill of Rights (adopted first in 1939) renders censorship an enduring challenge for library collection development. Despite the paradigmatic anti-censorship position of the ALA on general collection development policy, two powerful, distinct forms of censorship consistently influence libraries’ selection procedures and access to print and electronic sources. Both forms of censorship hinder the degree of intellectual freedom held by users, particularly for public and school libraries. One form of censorship is internal, taking place within the practices, policies, and trends of collection development. This includes the underrepresentation of genres resulting from selection and weeding policies. Internal censorship affects print materials and some electronic sources. Another form of censorship is external, or imposed censorship from certain United States federal obscenity and funding policies. This includes Internet filtering and the suppression of print and electronic sources. This paper will briefly discuss the pertinent legal history of censorship, the implications for librarians in their collection development decisions, and current issues involved in censorship of print and electronic resources in public and school libraries.
A Brief History of Book and Internet Censorship

According to the ALA Intellectual Freedom Manual, “the Constitution requires a procedure designed to focus searchingly on challenged expression before it can be suppressed (American Library Association, 2002, p. 112).” Materials are challenged for myriad reasons, but most challenges fall under the categories of obscenity, violence, and offensive language (Rubin, 2004, pp.192-3). Because the ALA mandates all libraries to uphold the exemplary policy of intellectual freedom, until a work is specifically found by a court of law to be unprotected by the First Amendment, the title remains a legal library acquisition and need not be removed (American Library Association, 2002, p. 113). This is why legal definitions of ‘obscene’ and other descriptors for censored materials must be set. In 1957 the U.S. Supreme Court ruled that something was obscene if “to the average person, applying contemporary community standards, the dominant theme of the material, as a whole appeals to prurient interest (Boaz, 2003, p. 472).” Sixteen years later the definition changed to that which the Supreme Court uses presently:

In 1973, the Supreme Court formulated its current three-part test for obscenity: (1) whether the average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; (2) whether the work depicts or describes in a patently offensive way, sexual conduct specifically defined by state law; and (3) whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

Preer, 1994, p.120

Obscenity is the general reason behind the majority of challenges of materials, and most challenging takes place at the local (community and school board) level. However, Internet censorship is federally supported in school and public libraries through the use of Internet filters, which the federal government condones through the Children’s Internet Protection Act (CIPA). The CIPA, passed by Congress in 2000, prevents school and public libraries from receipt of federal monies for Internet connectivity unless these
libraries have Internet access policies and employ Internet filtering software that blocks pornography, obscene images, and items deemed to be harmful to juveniles (Rubin, 2004, p.155). CIPA constitutes external censorship in the form of Internet filters that block electronic content. The majority of school and public libraries have no alternative except to utilize federal dollars for fiscal survival. Current issues on filtering will be revisited later in this paper. Internal censorship takes place within the library itself, brought on by collection development policies and the issues librarians necessarily confront in selection: balancing concerns of intellectual freedom, economic constraints, and personal morals.

Censorship, Intellectual Freedom, and the Implications for Librarians

According to Barbara Jones’ work on intellectual freedom and collection development, selection has a certain complexity, resulting in a multitude of tensions the librarian must resolve. Many of these tensions have implications for the upholding of intellectual freedom and ultimate user access. In selection of a source, a librarian must balance the purchasing of controversial titles with the potential use of interlibrary loan; the purchasing of controversial material of questionable scholarly import with constant budget constraints; librarians’ morals with the mandate for user access to diversity of viewpoints; and the propensity to shield children from violence and obscenity with their protection under the First Amendment of free information access (Jones, 1999, pp.107-8).

The nature of these issues illuminates their relative constancy within the library. Due to ALA directives, collection development policy ought to be content neutral so as to be impartial in representing significant perspectives on subjects of import. More importantly, collection development policy ought to provide a diversity of viewpoints on a given subject. The librarian’s personal morals must be excised from all collection
development decisions: selectors must base their purchasing decisions exclusively on professional reviews and user demand (Jones, 1999, p. 110). However, even with the ALA mandates ensconced in the mind of selectors and library collection policies, there are prevalent issues in collection development that can tacitly promote censorship, thereby constituting internal censorship.

Current Issues for Print Collections and Electronic Counterparts

Censorship practiced within the library’s collection development itself signifies internal censorship. Not brought on by external factors such as government regulations or statutes, internal censorship happens through libraries’ limiting of access to the multitude of ideas and forms of cultural expression mandated in the ALA Library Bill of Rights preceding this paper’s introduction. This type of censorship seems to be most dangerous to intellectual freedom because of the ease with which it is perpetuated.

It is possible that some selectors submit to the pressures and tensions briefly described in the previous section. However, the overarching cause of this form of censorship is the failure of public libraries, as Sanford Berman’s “Inside” Censorship article puts it, “to select whole categories or genres of material, despite public interest and demand on the one hand and or the need to reflect a broad spectrum of human belief and activity on the other (Berman, et al.,2001).”

The underrepresentation of genres in public libraries’ print and electronic collections includes the following: small press fiction and poetry, as well as well-reviewed free thought, labor, and alternative press titles-genres which are independent of the obvious underrepresented genres dealing with sexuality, countercultures, etc. (Berman, et al.,2001). Collection development librarians ought to gauge user demand for such genres
and accordingly evaluate alternative sources through consultation of diverse resource reviews, such as Prometheus Books (for free thought books), Counterpoise: For Social Responsibilities, Liberty, and Dissent (for alternative press and non-mainstream publishing) and MultiCultural Review (Berman, et al., 2001).

In addition, weeding policies in public libraries often result in tacit censorship of outdated print sources or of low-use print sources simply because of lack of space. The new facility for the San Francisco Public Library lends inadequate space for print collections so as to provide accommodation for computer workstations, which has resulted in hundreds of thousands of volumes being placed in secluded storage (Berman, et al., 2001). This situation is common for many urban public libraries. Due to the electronic source use trends in most public libraries today, computers will continue to require library space, thereby displacing space for print materials. Hence, the economic utility of weeding print materials that are outdated, have electronic counterparts, or have relatively low circulation rates, continues to rise. Unfortunately, print materials of historic value can slip through the cracks.

Underrepresentation of a multitude of viewpoints on present and past issues violates the ALA Library Bill of Rights and principles of intellectual freedom. Most importantly, it is a form of censorship that can possibly occur de facto because “representation,” “multiple viewpoints,” and “alternative genres” are all words open to interpretation for selectors.

_Censorship of Print Collections: Past and Present_

Print collections are also affected by external censorship factors at the state, local, and community levels. Although a court of law must find materials to be unprotected by
the First Amendment for such materials to be rendered illegal acquisitions and expunged from a collection, the right of the public to challenge a given library acquisition is equally protected by the same constitutional amendment. Challenges stem from political and religious beliefs of individuals or groups reflected in opinions on violence and sexuality found within library materials.

Historically, materials have been censored at the state level as late as the 1960’s, with state laws promoting the censorship of Darwin’s On the Origin of Species. In 1925 Tennessee passed a law prohibiting teachers from teaching the theory of evolution in state-funded schools of all levels (leading to the Scopes ‘Monkey’ Trial), and in 1928 Arkansas passed an Anti-Evolution Statute which threatened to fire teachers who used textbooks which included Darwin’s theory (Karolides, 1999, p.239). The Supreme Court deemed both laws unconstitutional in 1967 (TN) and 1968 (AR), concluding that they conflicted with the First Amendment.

Bradbury’s Fahrenheit 451 was censored by publishers of Ballantine Books, which published an expurgated version in 1967 without mentioning changes in the copyright. There still existed an ‘adult version’ (the original) which Ballentine discontinued between 1973 and 1979. Bradbury became aware of the situation through a friend and demanded an end to the expurgation, granted in 1980. However, new expurgated versions of this book arose in Irvine, California public schools in the 1990’s (Karolides, 199, pp.375-376).

Challenges of print materials are constant at the local level. The National Coalition Against Censorship (NCAC) website provides detailed information and links to local newspapers and other pertinent information sources. For example, the site’s most recent
entry for school libraries reads that parents of students at Conkwright Middle School in Winchester, KY have challenged *The Golden Compass* because its themes disagree with their religious beliefs. The site’s most recent entry for public library challenges tells of Earl Adams of Bentonville, AR, who as of May 1 of this year seeks $20,000 from the city in damages after his sons were ‘greatly disturbed’ by viewing a book about lesbian sexuality.

The U.S. Supreme Court has ruled (Board of Ed. V. Pico, 1982) that local school boards are not allowed to censor library materials simply because they dislike the ideas contained in them and only wish to prescribe “what shall be orthodox in politics, nationalism, religion, or other matters of opinion” (Preer, 1994, p. 122). However, school boards do have the power to suppress materials by citing ‘strong pedagogical reasons.’ It seems community pressures are still great obstacles to overcome for anti-censorship advocates in libraries.

For public libraries, pressure to censor print materials is prevalent even at the state level in certain cases, but it is pressure that is not nearly as menacing as the prospect of loosing government funding. Through the CIPA, the censorship of electronic resources via Internet filters occurs in at least sixty percent of U.S. public and school libraries (NCAC website). External censorship via government imposition of electronic resources has an immediacy lacking in the way print materials are externally censored.

*Electronic Library Resources: The Internet Filtering Debate*

The overarching purpose of filtering is to censor public access to legally defined obscene visual depictions on the World Wide Web. Due to the fact that few public libraries in the United States can afford Internet access without federal funds, public
libraries are given the E-rate discount for Internet access in exchange for use of filters.

Although a technicality, Internet censorship does differ depending on the age of the patron:

In legal terms, CIPA standards vary for adults and children. Adult access to visual depictions judged obscene under the federal obscenity statute and to child pornography as defined by 18 U.S.C. §2256 must be filtered, whereas children’s access must be filtered of visual depictions “harmful to minors. Any other filtering exceeds the requirements of the CIPA. Wilhite, 2006, p. 2

Exceeding the requirements of the CIPA shines light on “overblocking,” which, along with “underblocking,” are the two major issues of relevance in internet censorship. Because filtering software is imperfect, many filters unfortunately “overblock,” or restrict access to electronic resources on the World Wide Web that are not obscene. In addition, some filters “underblock,” such that children can still access obscene or harmful material with certain filter settings.

Overblocking and underblocking are, at least temporarily, results of inherent limitations of filtering software itself “because filters, by necessity, search the web for objectionable sites using ‘keyword’ identification…(“Internet Filters,” 2006, p. 178).” Since keywords in pornography sites are not always germane to obscene sites and can pertain to health and medical information (i.e. body parts, acts, functions, etc.), filters must recognize the context of the keyword identified to validly block a site. Overblocking is a symptom of the filtering problem of context recognition. Within keyword identification, context is everything.

Overblocking

The Brennan Center for Justice’s May 2006 report on filters found many filters are ineffective, consistently overblock, and limit children’s access to political and health
information through “harmful” keyword identification. It cites problems with filtering programs such as SurfWatch (blocked University of Kansas’ Dykes Medical Library website upon detection of the word ‘dyke’), SmartFilter (blocked the Declaration of Independence, Shakespeare’s complete plays, and National Institutes for Drug Abuse brochures), and Bess (blocked many sex education resources). In addition, certain filters such as Bess and SurfControl reflect ideological overtones when its settings are on ‘hate/discrimination’ or ‘hate speech.’ “blocked was a website with curriculum material on Populism because the site contained information on National Socialism (“Internet Filters,” 2006, p.179).” Also, Symantec filters blocked the NRA homepage and other pro-gun sites while anti-gun group sites remained accessible (“Internet Filters,” 2006, p.179).

Ideology aside, keyword identification functions of filters face the greatest contextual dilemma in differentiating between pornographic sites and health information sites. Recent studies of the American Medical Association have found that “10% of health sites found using some search terms related to sexuality and homosexuality were blocked” using many of the filters mentioned above on the least restrictive settings, and that “at the most restrictive settings health information blocking increased substantially (24%) but pornography blocking was slightly higher… (Richardson, et al., 2002).” Clearly, some filter settings of certain products affect access to health information rather than access to obscene materials. The censorship of pertinent health information due to the imprecision of context recognition capabilities of filters is a serious concern to many censorship organizations and library organizations. More importantly, attempting to amend such imprecision by investigating the intricacies of filtering software is an arduous task and legal hazard: “it is virtually impossible to know which websites are filtered by
which companies and why, and by whom. Companies protect themselves through intellectual property laws and the Digital Millennium Copyright Acts (Bissonnette, 2003, p.95).”

**Underblocking**

Although filters are designed to restrict access to obscene websites, filtering software cannot keep up with the resilient deception of developers of pornographic sites. “Creators of porn sites place misleading text…on their pages to trick search engine crawlers…to disguise their intent, porn creators frequently purchase domain names with misspellings of common words…to avoid being filtered (Masterson-Krum, 2001, p.21). Website developers seek to propagate their products using savvy techniques described above to avoid filtering, and filtering software is not updated as frequently as such websites. Coupled with the fact that filtering software is in general need of improved sophistication, it seems underblocking is, for now, an unavoidable result of competition between the need for improvement and sophistication of internet filters and the tenacious, capitalist mentality of pornography website developers.

*Filtering and Intellectual Freedom*

The ALA opposes the use of filtering software because its use intentionally limits user access to constitutionally protected information. In addition, the ALA views overblocking as an expurgation of free information to which any library user has rights. The ALA has concerns about filters aside from overblocking: filters can impose the point of view of the software designer, blocked sites are not identified by filtering designers, blocking criteria is not rigorously defined, and that parents ought to have the responsibility of regulating children’s internet use (Rubin, p.209).
The position of the ALA on overblocking hints at the central problem of filters: their validity and reliability are questionable. Filters can be called invalid because they do not restrict what they are supposed to restrict; filters can be called unreliable because they are imperfect and in need of serious improvements, from both standpoints of underblocked information and overblocked information.

Improved sophistication is needed for truly valid and reliable filtering to take place. Although many filters today are highly context-sensitive, they remain problematic because of their inherent tendencies to censor constitutionally protected materials:

[There are still] two inherent limitations of such software. First, such filtering software has to balance the need to be accurate with the comprehensiveness of the filter. The more comprehensive the filter (the more offensive words it recognizes), the less accurate the filter will be in parsing context. That is, filter software that is accurate in distinguishing context will be less comprehensive. The second limitation is that filter software needs to be updated frequently. Ang, 2003, p. 480

Due to the inverse relationship between filtering software’s ability to recognize context of identified keywords and its ability to expansively identify keywords that indicate obscenity and violence, it seems that overblocking is an unavoidable consequence of filters. In this way, filters are currently the most powerful form of external censorship on electronic resources in public and school libraries.

*Procedures for Challenging Materials in School and Public Libraries*

Challenging school library materials is a right, via the First Amendment, all parents, teachers and administrators have. Formal challenges must be first made at the school level, to the school principal. Subsequently, such challenges can then move up the chain of command to school board or district representatives, then to district board members, and possibly to higher public offices, depending on the severity of the material and legitimacy of a particular challenge.
The public has a right to challenge public library materials just as much as the public has a right to access the public library. Formal challenges to library collection items vary depending on the library in question, but all formal challenges must be in written format and must demonstrate solid justification for the suppression of a particular collection item. Typically, a given staff reviews a patron challenge against the collection policy. If the challenge goes unresolved, a committee or select group of staff then reviews the challenge. Appeals to committee decisions are usually given to the library director. Library board members carry out further appeals in the form of public hearings or other types of official material reconsideration procedures.

*Internal and External Censorship: The Perpetual Challenge to Intellectual Freedom*

Internal censorship factors seem to be a more dangerous threat to intellectual freedom because they can affect collection development and user access without necessarily violating collection development policy. Often in public libraries, this de facto censorship can go unnoticed just because it is not characterized by external measures such as formal challenges or government policy. Thereby, the tacit censorship of print materials (and their electronic counterparts) can be easily perpetuated through common collection development practices. Despite the fact that “selection” is distinct from “censorship” on more than a semantic level, materials expressing unpopular or underrepresented viewpoints can be suppressed from print collections and user access. Librarians must not only fight against challenges to materials within collections, but against all types of challenges to intellectual freedom, including seclusion, non-inclusion, and underrepresentation of materials on diverse viewpoints regarding pertinent issues.
External censorship factors are out of librarian control. Further modifications of obscenity statutes, Internet privacy and protection laws, and general information policies are always potentialities. Internet censorship is one external factor that public and school libraries must deal with. The validity and reliability of Internet filtering software, however questionable, is a consequence of the software’s overall limited sophistication. Because library budget constraints are well beyond concerns of intellectual freedom, filtering is now a fact of public and school library existence. The debate over the validity, utility, and ethics of internet filters will remain until the software is ‘perfected’ and the federal government takes a legal stance on just what types and formats of information a ‘child’ ought to view.
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