

53.1.16 53.1.17

The ALA affirms that the use of filtering software by libraries to block access to constitutionally protected speech violates the Library Bill of Rights. (See "Current Reference File": Resolution on the Use of Filtering Software in Libraries, 1996-97 CD #19.4)

53.1.16

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CD# 19.4

## RESOLUTION ON THE USE OF FILTERING SOFTWARE IN LIBRARIES

**WHEREAS,** On June 26, 1997, the United States Supreme Court issued a sweeping re-affirmation of core First Amendment principles and held that communications over the Internet deserve the highest level of Constitutional protection; and

**WHEREAS,** The Court's most fundamental holding is that communications on the Internet deserve the same level of Constitutional protection as books, magazines, newspapers, and speakers on a street corner soapbox. The Court found that the Internet "constitutes a vast platform from which to address and hear from a world-wide audience of millions of readers, viewers, researchers, and buyers," and that "any person with a phone line can become a town crier with a voice that resonates farther than it could from any soapbox"; and

**WHEREAS,** For libraries, the most critical holding of the Supreme Court is that libraries that make content available on the Internet can continue to do so with the same Constitutional protections that apply to the books on libraries' shelves; and

**WHEREAS,** The Court's conclusion that "the vast democratic fora of the Internet" merit full constitutional protection will also serve to protect libraries that provide their patrons with access to the Internet; and

**WHEREAS,** The Court recognized the importance of enabling individuals to receive speech from the entire world and to speak to the entire world. Libraries provide those opportunities to many who would not otherwise have them; and

**WHEREAS,** The Supreme Court's decision will protect that access; and

**WHEREAS,** The use in libraries of software filters which block Constitutionally protected speech is inconsistent with the United States Constitution and federal law and may lead to legal exposure for the library and its governing authorities; now, therefore, be it

**RESOLVED,** That the American Library Association affirms that the use of filtering software abridges the *Library Bill of Rights*.

Adopted by the Intellectual Freedom Committee, July 1, 1997

Item #3. Based on action proposed by the Intellectual Freedom Committee (CD# 19.4), approved by Council, add Policy 53.1.16 (Use of Filtering Software): "The ALA affirms that the use of filtering software by libraries to block access to constitutionally protected speech violates the Library Bill of Rights."