

Pornography on the Internet: A New Reality

Program Misses Opportunity for First Amendment Dialogue

by Melissa Barr

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The Internet is such a great boon to libraries, and yet it also creates some huge problems for libraries that are open to the public. One of the biggest problems raised by the Internet is that of library users viewing pornography in the public space of the library. One session at the Annual Meeting attempted to address the issues that pornography creates for public libraries. "Pornography on the Internet: A New Reality," featured Helen Burke, a librarian at the Minneapolis Public Library, Charlene Cain of Louisiana State University's Paul M. Herbert Law Center Library, and Judith Krug of the American Library Association.

At the session Burke provided a brief overview of the events that caused some library staff to file an EEOC sexual harassment complaint, the subsequent television exposé, the belated response by library administrators, and the dramatic change in Internet use when rules and guidelines were instituted. Cain reviewed how librarians progressed from censors to First Amendment advocates. Krug reviewed ALA's stance on the First Amendment, filtering of the Internet, and ALA's battle against the U.S. Government (not simply the Justice Department) in challenging the *Children's Internet Protection Act* and the *Neighborhood Children's Internet Protection Act*.

Burke's story was both riveting and sad. It also pointed out how differently some libraries treat these issues, and quite frankly, how some administrators can completely miss the opportunity to do right by their staff and users. In fact, Burke's story was mostly one of missed opportunities.

In 1996, Minneapolis Public Library installed public Internet terminals, but didn't issue an Internet-use policy to patrons or staff. A missed opportunity. In 1997, the library director notified managers that the display of sexually explicit materials on Internet terminals might be sexual harassment. In response the library planned to draft an Internet-use policy, but didn't. Another missed opportunity. In 1999, the library notified staff members that they could not make a judgment about obscenity, as only the courts can decide what sites are obscene. However, the library would handle the issue by providing privacy screens around Internet terminals. A missed opportunity. By early 2000,

library administrators had not yet provided privacy screens nor finalized an Internet-use policy even as staff members were recording numerous patron complaints about male patrons viewing child pornography, bestiality, explicit sex, and other offensive Web sites. Still more missed opportunities.

An opinion editorial in a local newspaper complaining about the display of pornography in the Children's Room prompted the library to issue a gag order to staff, in effect ordering staff to check their First Amendment rights at the library door. Missed opportunities. Exercising their First Amendment rights, 47 staff members signed a letter to the editor confirming the op-ed piece. The library then drafted but did not issue an Internet-use policy. Another missed opportunity. A staff member reported that a patron was seen masturbating at an Internet terminal, but the head of library security decided the report was unfounded. Missed opportunities. During sweeps week a local television station ran a two-part exposé about Internet porn at the library, including an interview with a library patron who admitted on camera that he masturbated at the public library while viewing Internet porn. Coincidentally, library employees filed a sexual harassment complaint with the Equal Employment Opportunity Commission the same day that part one of the exposé was aired.

Amidst tremendous public outcry, the library finalized an Internet-use policy that required patrons to show identification before being allowed to use an Internet terminal, bought privacy screens for the terminals, and used ALA's "Libraries & the Internet Toolkit" to train staff members on Internet-use procedures. This was after four years of missed opportunities. In 2001, the EEOC found probable cause to believe that library staff were subjected to sexual harassment under then-existing library policies.

Following Burke's moving story, ALA's Krug simply reiterated the ALA stance on censoring Internet usage in libraries. She said that when the Founding Fathers wrote the Bill of Rights, the First Amendment addressed a major grievance against the King of England — the right to freedom of expression. The ALA is defending this right. During questions Krug agreed that child pornography is illegal, and that there is no book, Web site or magazine that is

appropriate for everyone. She also noted that librarians are dealing with issues that even the courts cannot decide.

In the end the workshop missed the opportunity to open a dialogue about applying the First Amendment equally, and about dealing with behavior issues masquerading as free speech. At no time during the presentation did the participants discuss with each other the application of the ALA stance in a situation such as that at Minneapolis Public Library.

Burke's presentation was very balanced and carefully expressed. She stressed that she was not there as a representative of library administration. She attempted to be objective. Krug's presentation, on the other hand, simply parroted the ALA stance, without the slightest attempt to rectify it with the realities in Minneapolis. This position takes the 1st amendment, applies it to the Internet, and looks at nothing else. It fails to see that the library is a limited public forum with competing interests that must be balanced.

I was especially amazed that the ALA, and apparently the Minneapolis Public Library administrators, insisted that the First Amendment was the real issue. In my opinion it was not. The real issues were of behavioral problems, and one that the library was fully justified in dealing with. No one would argue that someone has the right to bring pornography into the library and view it there, exposing children and others to it in the process. The fact that the pornography enters the library via the Internet doesn't make it any different. The users who were trying to view pornography in the library were misbehaving, and should have been stopped. Their first amendment rights didn't extend that far in a limited public forum. The administrators involved missed the opportunity to deal with this, and in the process many people were harmed.

Overall, this session was less than it could have been because of the missed opportunity to discuss these issues. I commend Helen Burkes for carefully telling her story in a balanced way. I only wish Judith Krug would have been more willing to address the real issues present when the Internet is used to bring pornography into the library.

Melissa Barr (mbarr@cuyahoga.lib.oh.us) is the legal resources specialist at Cuyahoga County Public Library, Maple Heights, Ohio.