

The Internet: US Congress to consider Web filtering in schools and libraries

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Support is said to be growing within the US Congress for a bill requiring schools and libraries with Internet access to install software to lock out sites deemed to contain pornographic, obscene or other material considered harmful to minors. If passed the bill would require schools and libraries that receive funding under the E-rate program, which provides subsidies for Internet connection, to install filtering software or lose financial support.

The bill, moved by four Republicans, is expected to be approved in the next few days despite a ruling by a Congress-appointed commission that it should not.

Congress created the Child Online Protection Act Commission (COPAC) in 1998 as part of the Internet Pornography Bill. COPAC issued a report October 20 opposing mandatory filtering and proposing renewed efforts in educating parents about the problem and enforcing existing obscenity laws instead.

Donald Telage, Commission chairman and executive of Network Solutions, the Web address registrar, said COPAC had unanimously rejected mandatory filtering. Telage told Reuters news agency that the 18 protective tools evaluated by the Commission, including filters used by both Internet Service Providers and end users, all had "pros and cons" in terms of First Amendment values.

Alan Davidson from the Center for Democracy and Technology (CDT), which took part in the commission's work, went further. "For Congress to be charging ahead even before it sees the report of the commission it created calls into question whether this legislation is really about protecting kids effectively," Davidson said.

Popular concern over pornography on the Internet has repeatedly been used to propose laws that, if enacted, would provide the basis for the widespread censorship.

In 1997, the Supreme Court ruled as unconstitutional the indecency provisions of the Communications Decency Act of 1996. Legislation contained within COPA has also been blocked by federal courts on constitutional grounds and remains tied up in legislation.

The latest attempt to impose censorship has been opposed by a broad range of organisations, including the American Civil Liberties Union. Technology companies have also opposed the fact that the bill would require the purchase of a particular technology across all schools and libraries receiving E-rate funding.

Manufacturers of Web filtering software do not publish information about which sites they block, nor how they decide which sites to block. The proposed bill would open up the possibility of wide-ranging political censorship. A Web site promoting views critical of the political establishment could be effectively shut down for millions of people, adult and children alike, who rely on public access to the Internet.

Even if one accepts the supposed target of the new legislation—sites deemed to be pornographic, obscene or harmful to minors—there are still questions of democratic rights to consider. Not least is who is to determine what is appropriate?

An idea of the dangers posed by content filtering on the Internet can be gained from an example of what is considered "inappropriate" for children in some quarters. J.K. Rowling's popular series of *Harry Potter* children's books hit number one on the American Library Association's list of books most commonly challenged in school districts and public libraries in the US. In 1999 there were 26 challenges to remove *Harry Potter* mounted in 16 states. Fundamentalist Christians claim the series is subversive, because they say its

focus on wizardry and magic is incompatible with Christian beliefs.

The White House has so far taken a cautious approach to the proposed legislation. Spokesman Elliot Diringer said that the "administration strongly supports efforts to ensure that schools and libraries protect minor from inappropriate materials," but, he continued, "we do not believe that the federal government should mandate a particular type of technology, particularly since the technology is evolving so quickly." Both presidential candidates, GW Bush and Al Gore, have indicated support for the legislation, which is unlikely to be implemented before a new administration takes over the White House. Whatever Congress decides, the new laws will certainly face legal challenges in the courts.

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