

VIRGINIA LIBRARY ASSOCIATION

Resolution Supporting the American Library Association in Its Legal Challenge to Federally Mandated Internet Filters

- WHEREAS, The Virginia Library Association adopted its "Intellectual Freedom Vision" statement stating its support for "the principle of open access to information and ideas, regardless of the medium in which they exist" on June 12, 1998, and
- WHEREAS, The Virginia Library Association adopted its "Open Access to the Internet" statement opposing "any state or federally mandated restrictions on or of access to the Internet" and encouraging "local library systems to adopt policies consistent with their resources and their mission" on June 12, 1998, and
- WHEREAS, The General Assembly of the Commonwealth of Virginia wisely enacted legislation in 1999 requiring public schools and public libraries to implement "acceptable Internet use policies" designed to protect juveniles and deter illegal activity while not requiring the use of "technological protection measures" (filters), and
- WHEREAS, The Child Internet Protection Act (CIPA) and Neighborhood Children's Internet Protection Act (NCIPA) mandate that public libraries which receive federal funds in support of public Internet access install and use "technological protection measures" (alternately known as filtering software or censorware), on computers to be used by their customers, and
- WHEREAS, Filters are notoriously incapable of distinguishing legal and "appropriate" websites from illegal and "objectionable" ones, as is clear from recent studies which conclude that filters block as many as 20% of websites with information that library users may find useful for school, job, work, health, and other needs, while failing to block an average of 20% of websites containing "objectionable" material such as hate speech, pornography, and violence, and
- WHEREAS, The congressionally appointed Commission on Online Child Protection (COPA Commission) concluded in its Final Report to Congress on October 20, 2000 that "no single technology or method will effectively protect children from harmful material online" and that "a combination of public education, consumer empowerment technologies and methods, increased enforcement of existing laws, and industry action are needed to address this concern," and
- WHEREAS, The impossibility of effectiveness in achieving the stated purpose of these laws, coupled with the certainty that they will create a gross and inefficient waste of precious financial, technological, and human resources, will together undermine local governmental control and serve as an example of federal government at its worst, and
- WHEREAS, Public libraries are a crucial source of Internet-accessible information for all users, but especially and critically for the millions of Virginians who do not have access to the Internet from a home or office computer, namely those on the "have-not" side of the "digital divide"; now, therefore be it
- RESOLVED, That the Virginia Library Association endorses and supports the American Library Association in its legal challenge to the constitutionality of the CIPA- and NCIPA-mandated filters for public libraries, and be it further
- RESOLVED, That the President of the Virginia Library Association transmit this resolution to all members of the General Assembly and the Governor of the Commonwealth of Virginia and to all Virginia members of the Congress and to the President of the United States of America.

Adopted by the Council of the
Virginia Library Association
Charlottesville, Virginia
February 9, 2001