

## NEW JERSEY LIBRARY ASSOCIATION'S STATEMENT ON THE CHILDREN'S INTERNET PROTECTION ACT (CIPA)

The US Supreme Court has declared the Children's Internet Protection Act (CIPA) constitutional. Libraries receiving e-rate discounts and/or LSTA or ESEA grants for Internet connectivity must now filter all computers with Internet access. Five of the nine justices agreed that filtering software blocks access to "a significant amount of constitutionally protected speech."<sup>1</sup> Two justices believed that the disabling provision of CIPA, which compels libraries to turn filters off upon an adult's request, made the law acceptable.

The New Jersey Library Association reaffirms its October 1999 statement on filtering (see <http://www.njla.org/statements/internetaccess.html>). The statement affirms the right of all users to unrestricted Internet access, the right of libraries to make filtering software available to those who deliberately choose to use it, and the right of parents to determine the level of Internet access for their minor children.

Libraries that choose to accept e-rate discounts and/or LSAT or ESEA funds for Internet connectivity will find these principles negated.

The New Jersey Library Association encourages libraries that are economically or politically compelled to accept federal money for Internet services to carefully consider the threats to Intellectual Freedom principles implicit in the use of filtering software. Technical limitations of filtering software block much speech that is protected by the First Amendment. Technical limitations of filtering software can make it difficult to disable filters upon patron request, placing an obstacle to access to protected speech. Under CIPA, parents may not have the right to determine their children's level of Internet access. The Subcommittee does not believe these compromises of the basic standards of free access to information and intellectual freedom, in exchange for money, are acceptable. Further, the benefits provided by the federal funding are outweighed by the costs of the loss of independence and local control of library services.

In support of Intellectual Freedom for all library users, the New Jersey Library Association suggests that libraries consider alternatives to federal funding for Internet connectivity. The subcommittee also suggests that libraries wishing to accept e-rate discounts and/or LSTA or ESEA funds seek and implement those filters that place the fewest restrictions on access to information while simultaneously fulfilling the requirements set forth in CIPA. Detailed guidance will be provided after federal regulations are promulgated and clear interpretations of those regulations are available.

Adopted by the NJLA Executive Board Sept. 16, 2003. Developed by the NJLA Intellectual Freedom Subcommittee.

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<sup>1</sup> T. Chmara (Jenner and Block) Quick Summary of Decision (mid-day June 23, 2003) posted to ALA website [www.ala.org/cipa](http://www.ala.org/cipa)