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ATG Special Report -- Libraries In The Cyberage

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ATG Special Report — Libraries In The Cyberage

by Mark Y. Herring (Dean of Library Services, Dacus Library, Winthrop University) <herringm@winthrop.edu>

During the summer of 2000, Dacus archivist Ron Chepesiuk and I sat down with a simply goal: put together a series of forums to discuss the groundbreaking changes that libraries had been, and were certain to continue, to undergo as a result of the advent of the World Wide Web. We knew we could not talk about everything but we felt certain there were four or five key issues that ought to get widespread ventilation. Like it or not, libraries are in the cyberage. Although many librarians know this, many of us may feel, at times, we are more like lost in cyberspace. With some discussion and a common theme to hold those discussions together, we thought we might aid in the understanding of libraries and cyberage issues.

Out of a series of meetings we ended up with four forums discussing a wide variety of libraries and cyberage issues: Internet filtering, online/electronic publishing and the rush to e-merize libraries, copyright in the digital age, and the humanities and cyberspace. We pitched the idea to the South Carolina Humanities Council (Bob Ellis in particular) and soon we had ourselves a small grant with the goal of making libraries and cyberage issues better known. The forums occurred during the academic year 2000-2001.

Because we wanted statewide coverage, we planned two of the forums, the first and the last, at Winthrop. One took place in Greenville-Spartanburg and another in Charleston. Even before we had the first speaker, we knew we wanted the rights to publish these talks, if for no other reason than because we wanted both a permanent record, and the ability to reach a wider audience. We believe we have accomplished both, but more, we hope to lengthen the discussions by raising these issues in print.

Enter Against the Grain and Katina Strauch. After a number of discussions, Katina agreed to publish our ruminations in four issues of the well-known ATG. We hope you enjoy these. We think the talks are provocative, interesting, and even likely to raise hackles. What we hope they will do is raise awareness to a higher level about the issues themselves, about where libraries are in them, and about possible courses of action. Particulars of each forum will appear in the general introduction that Katina has asked me to write.

Our hanks are in surfeit to Katina, to the South Carolina Humanities Council without whose help none of this would have been possible, and especially President Antone DiGioioso of Winthrop University.

Endnotes
2. The entire speech is viewable at http://www.mralive.com/index2.cfm.
4. It is difficult to see in what meaningful sense that discussion has been “captured” by either side in the debate, however. I’m not a subscriber to the list myself, but I did go to the considerable effort required to gain access to the list’s archives and took a quick look at the conversation that took place over the course of one recent period. It appears to me that, far from having “captured” the discussion, those in favor of filtering are engaged in lively conversation with those who oppose it. It looks to me as if the voices against filtering are at least as numerous — and certainly as vociferous — on the list as those in favor of it. I was, however, struck by the irony that in order to access the archives of a list administered by the Office of Intellectual Freedom, I had to register and give my email address!

Libraries In The Cyberage — Filtering, Censorship and the First Amendment: Libraries at the Crossroads

by Mark Y. Herring (Dean of Library Services, Dacus Library, Winthrop University) <herringm@winthrop.edu>

No other event strikes more at the heart of absolutist interpretation of the First Amendment than Internet filtering; and no other issue raises the hackles of so many on both sides of this argument than whether or not librarians should filter the Internet. When this issue came before our forum in 2000-2001, filtering was a very hot topic, to say the least. Today, with CIPA (Children’s Internet Protection Act) still smoldering in Philadelphia, followed by the Supreme Court’s astonishing decision in CPPA, the Child Pornography Prevention Act (1996) in May 2002, and you have all the makings of a white-hot debate. CIPA failed to get the court’s attention while in CPPA, the court made one of its finer distinctions: good virtual porn versus bad virtual porn. It reminds one of those fantastic, mystical emanations that Justice Warren called “penumbras” or shadows that he saw all over the Constitution, and which, he argued, allowed for abortion-on-demand.

At any rate, the upshot of these cases left those favoring filtering racing back to the drawing board. Librarians’ refusal to filter pornography off of library computer defies description. When traces of alar-treated apples were found in jars of apple juice some years ago, and it was then determined that if you ate 750 alar-treated apples for 70 years, continued on page 43

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you might get cancer, we forthwith all but ruined the apple industry. Why? For the children. Apparently now, however, libraries must not be without even one picture from lustyloths.com or bawdbyoys.org, and the American Library Association is right there fighting to the death to keep each site in every library.

Since libraries began, librarians have sought to protect what people read by making a most compelling case in support of the First Amendment. Librarians have fought for this issue with panache and verve. But this same passion also led them to reject, in absolutist fashion, any real or perceived disloyalty to the First Amendment, even when the courts afforded no such protection. While librarians often cite approvingly Roth they seemingly forget altogether that Albert v. California, decided during the Warren term, found no First Amendment protection for obscenity.

Until digitized images and their access via the Internet, this absolutist interpretation of the First Amendment never saw the light of a challenged day in court. Librarians accepted everything for fear of censoring anything. The Internet, however, made access to documents easy. Libraries made access to the Internet possible for everyone. Indeed, outside the home, libraries were responsible for 50% of all Internet access. But with easy access to information came easy access to every imaginable (and many not so easily imaginable) pornographic sites.

Issues with respect to the First Amendment and cyberspace have not, however, been easily resolved. Libraries have made compelling First Amendment arguments but their opponents have made equally compelling cases as well. Congress has lent a sympathetic ear to these competing voices, as have a host of other organizations and individuals. While many librarians defend unfettered use of the Internet, they have been caught in a paradox: much of the material objected to are materials libraries have always excluded in print format from their shelves. For example, no library in the country subscribes to Sere* magazine; yet anyone, including children, can get that magazine and worse. Newman was right: men will die for a dogma who will scarcely stir for a conclusion. Moreover, the once uncontested argument of librarians within the profession has recently seen many notable dissenters. And the tag argument—if you don’t like it simply stay away from it, i.e., change the channel as it were—is no longer so easily done. Recently, www.firstamendment.org purports to offer guidance to this argument. It does not; it offers graphic sexual photographs. While pornographers have always been clever, this may be the first use of the *org domain for their putrescence.

Such is the backdrop for the first of four forums, “Libraries in Cyberspace,” on Internet filtering, held on Winthrop University’s campus in September, and sponsored by Dacus Library and the South Carolina Humanities Council. Carrie Gardner takes on the anti-filtering argument with typical librarian gusto. Her admission that she encourages students to look for pornography on the Internet may strike some parents whose children attend her institution as an assignment unnecessarily given. Schoolteachers often fight to the death to teach sex (and now, pornography surfing) but rarely mathematics or biology. Nevertheless, her arguments are compelling as they are provocative.

Carrie is author of two chapters on intellectual freedom and technology along with numerous articles. She has given over 100 speeches, classes and lectures on intellectual freedom. She serves as the Chair of the American Association of School Librarians Intellectual Freedom Committee, Chair of the Pennsylvania School Librarians Association Intellectual Freedom Committee, and serves on the Board of Directors of the Pennsylvania School Librarians Association.

Gardner also serves as Coordinator of Library Services at Milton Hershey School in Hershey, PA. She is a Ph.D. candidate at the University of Pittsburgh. Her dissertation examines the behaviors of those involved in creating Student Internet Use policies in K-12 school districts. She also serves as Adjunct Faculty member at Mansfield University.

Carol Clancy displays equal skill in arguing for the pro-filtering side. In essence, her argument is that since we do so much else “for the children”, why are we so reluctant to do what seems obvious in this case, for the children? With documented cases of child-predators using the library-provided Internet access to lure children, the case seems even more to the point. Clancy’s paper is a veritable treasure trove of facts and figures relating to filtering. It is not the kind of thing many librarians want to see for it flies in the face of one of our most cherished positions: The First Amendment isuber alles. But Clancy is quick to remind us that the materials we are protecting by refusing filters are the very same materials we have always exercised control against: pornography.

Ms. Clancy is a practicing attorney and senior counsel for the National Law Center. She has co-authored numerous appellate and amicus curiae briefs on obscenity and First Amendment cases and has testified before Congress on a number of issues, including child abuse and problems of conduct toward women.

Libraries In The Cyberage — Filtering, Censorship and the First Amendment: Libraries at the Crossroads

by Carrie Gardner (Coord. of Lib. Media Serv., Milton Hershey Sch., PA)

The First Amendment and Libraries: The Perfect Marriage

When I have screens of email, piles of paperwork, a full voicemail box, and major deadlines approaching, I think about Thomas Jefferson. I take great comfort in the fact that nothing I’m working (or not working) on is necessarily as difficult as creating a country and that’s what Thomas Jefferson and his colleagues did when they penned the Declaration of Independence and the United States Constitution. Our founding fathers pooled their collective intellects and scoured the great philosophers and governmental systems in order to decide on wording that gives us freedoms unmatched by other governments.

One such freedom, commonly called “freedom of speech” has its roots in the First Amendment, which states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, or of the press, or of the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

As a citizen of these great United States and as a librarian I celebrate the fact that I can create, disseminate, discuss, make fun of, protest, and maintain information on the entire universe of knowledge.1 With few exceptions, I cannot lose my other freedoms, namely the right to be out of prison, because of my information-laden activities.

American courts have recognized a corollary right to receive information as being essential and inherent in the First Amendment guarantee of freedom of speech. The courts recognize that in order to form and explore ideas, citizens must have access to information. It is this corollary on which librarians hang their professional hats. They are in the business of providing information. Not only is it their primary role, but it is heavily subsidized by tax dollars in the instances of public school libraries, public libraries, and academic libraries at public colleges and universities. With taxpayer dollars comes the legal obligation to uphold all applicable local, state and federal laws, especially the First Amendment.

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Legal vs. Illegal Information

Just as American citizens are innocent until proven guilty, information enjoys First Amendment protection until declared illegal by a court with appropriate jurisdiction.

The courts have ruled that very few categories of information do not enjoy First Amendment protection and are illegal. These include obscenity, dangerous speech, slander, libel, and child pornography.

Pornography is a term used by many people to describe sexually explicit materials, but it is not a legally defined term. Obscenity is a legally defined term used to identify sexually explicit material that has been declared illegal by a court of law with appropriate jurisdiction. The general guidelines used by most courts in determining if something is obscene is commonly called "The Miller Test." This three-prong test was developed by the Supreme Court of the United States in Miller v. California case of 1973.¹

The test includes:
1. The average person, applying contemporary community standards, must find that the work taken as a whole appeals to prurient interests.
2. The work depicts or describes, in a patently offensive way, sexual conduct as defined by state law.
3. The work taken as a whole, lacks serious literary, artistic, political, or scientific value.

In order to be declared illegal, the work must fail all three parts of the test. Child pornography is always illegal. Until the proliferation of computer technology, child pornography was defined as photographs of actual children engaged in sexually explicit or lascivious conduct. This was very clear-cut. With the advent of computer technology that allows users to create very life-like images of photographic quality, ambiguity has entered this arena. Computer users can create images that depict children engaged in sexually explicit activities without using children. The Child Pornography Protection Act of 1996 expanded the definition of child pornography to include computer-generated images.² The constitutionality of this law is currently being decided by the courts.

Our Diverse Society

The United States Government was roundly criticized for some of the probing questions on the 2000 Census form. The census gathered information on ancestry, computer ownership, disability, education, family status, health insurance, ethnic origin, occupation, level of wealth, race, schooling and language use — just to name a few.³

The results are fascinating. We are more diverse in every way possible than ever before in the history of the country and of course, there are more of us. We are diverse in our ethnicity, languages, educational levels, religions, wealth status, health insurance coverage, disability status, etc. Diversity, pluralistic, and multicultural are all in vogue terms now. But this is not a fade. Our country now contains a fabulous tapestry of people with a myriad of traits.

American children reflect the traits of their parents but also suffer from society’s worst afflictions. These include sexual abuse, extreme poverty, sub-standard medical care, lack of educational opportunities, etc. The Children’s Defense Fund published the following statistics regarding America’s children:⁴

1 in 3 will be poor at some point in their childhood
1 in 3 is behind a year or more in school
1 in 4 was born poor
1 in 5 is poor now
1 in 5 lives in a family receiving food stamps
1 in 6 is born to a mother who did not receive prenatal care in the first three months of pregnancy
1 in 6 has no health insurance
1 in 8 never graduates from high school
1 in 12 has a disability
1 in 920 will be killed by guns before age 20

The Role of a Library

It could easily be argued that the role of a library has not changed since the beginning of time. Libraries have always promoted literature and literacy as well as providing access to information and they continue to do so. But in the year 2001 they provide these services to a diverse clientele and they use electronically networked resources to do so.

It could also be argued that libraries have changed in every aspect. Because of the Internet, most libraries now have the capacity to deliver information from all corners of the globe seconds after it was created. They can deliver interlibrary loan literature and sources of information from thousands of libraries. The formal confines of a publishing process has been replaced by an electronic system that allows anyone so inclined to post information in a variety of formats (text, video, audio, etc) at minimal costs.

Many libraries feel that it is their mission to bridge inequities that exist for Americans. Such inequities involve people who cannot afford the hardware, software and telephone connections or those who do not have the knowledge to find information stored electronically. Another inequity exists when people have information needs about controversial topics. Such information is often not as readily available as less controversial information.

Filter Software

In order to begin a discussion about the ethical implications of filter use in libraries, it is necessary to give a brief overview of how filter software works. Filter software is created, usually by one of two types of entities: for profit companies or advocacy groups devoted to or against a certain cause. Filter software contains subjective human judgments and software code and must be run on appropriate hardware.

The software can employ keyword filtering. This method involves the software having a built-in stop list of words or character strings, which if present on a web-site will prevent the site from being displayed. Some filter packages allow the page to be displayed but they electronically white out the stop list word(s) or character strings. Two obvious ethical questions occur. Is it possible to create a list of words and character strings that accurately reflects what library patrons should not access? Who makes the decisions? There are documented instances where mainstream sites were blocked because a keyword was present but used in a very socially acceptable manner. During the fall of 2000, Dick Armey, a U.S. Congressman, discovered that his website was blocked by most of the popular software packages.

The second method of filtering involves site based blocking. The creators of the filtering package hire folks who surf the web looking for websites that should be filtered. When they find a site, they enter that web address (URL) into the denied database. If a user uses a filtered terminal and enters a website that is on the denied list, they are blocked from accessing it. The ethical rub comes in at this point. Someone is deciding what information can be viewed for someone else.⁵

Legal Decisions Regarding Filters

The most far-reaching court case regarding filtering Internet content and the First Amendment was the American Library Association v. U.S. Department of Justice and Reno v. American Civil Liberties Union.⁶ In a 9-0 decision, the U.S. Supreme Court declared the Communications Decency Act unconstitutional. This act, had it stood would have banned the display, transmission, or sending of indecent or patently offensive speech over the Internet or other interactive computer services. The Court held that speech on the Internet has the highest level of First Amendment protection.

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Ethical Concerns Regarding Filters

Library policies, library boards, librarians, and American citizens hold many different views regarding filters. Some of the philosophies include:

- It is better to filter and delete useful information in order to protect children and/or prohibit the distribution of certain types of information and/or viewpoints.
- It is better not to filter in order that people have the information they need, that they can decide what they want to access and that children can learn appropriate behaviors when dealing with the on-line world.

Allow each person to decide if they want filtered access.

Because of the various philosophies, the following scenarios are in place at various public and school libraries.

- Unlimited access. Patrons have no technological restrictions.
- Filtered access. This can be implemented in a variety of ways. Young people and/or children must use a filtered terminal or everyone must use a filtered terminal.

- Permission forms. Parents or legal guardians must sign permission slips in order for their young person to use the Internet, which is commonly called an opt in policy. An opt out policy gives every young person permission to use the Internet unless their parent or legal guardian has signed a form saying they do not want their young person using the Internet.
- Acknowledgment forms. Patrons must sign a form which states the library policy.
- Provide patrons with the choice to use a filtered or unfiltered terminal.

On the surface, many of the above policy avenues seem to violate patrons’ First Amendment freedoms. Perhaps, more importantly, I contend filtering imposes one viewpoint on an entire community of library users and in doing so violates and negates the spirit of the country that Thomas Jefferson and his contemporaries strove to create. They became dissidents within their own country in order to secure for us, their descendants, freedoms the likes of which, they never enjoyed.

The most ironic part of the filtering debate is that due to technological advances, we now have access to more of the total human information product than ever before. The barriers of oceans, mountains, time and money have been torn down and in their place, people who feel that they know what others should and should not access have become barriers themselves.

Cyberage Endnotes
1. I choose the word but not inflammatory. The utter filth available over the Net would be deemed so by the most ardent defender of the First Amendment sex with fruit and vegetables; very pregnant women in convoluted sexual encounters; fetishes impossible to describe; depictions impossible to offend; and children of ages impossible to ignore trapped in sexual situations they could not possibly have agreed to.
8. For more information about filtering, see www.peacefire.org.
10. The author is Senior Counsel with the National Law Center for Children and Families (NLC). NLC is a private non-profit legal education and research organization, which specializes in Constitutional law issues involving obscenity, child abuse and exploitation, child pornography, material harmful to minors, illegal sex oriented business activities, and the protection of children and families from the harmful effects of illegal pornography. NLC provides information to elected officials, prosecutors, community leaders and concerned citizens on the law and its enforcement at the local, state, and national levels. For more information, visit the NLC Website at: http://www.NationalLawCenter.org. This paper is part of a series regarding "Libraries in the CyberAge," sponsored by Winthrop University, Rock Hill, South Carolina. Originally part of a presentation at the September 14, 2000 forum, titled: “Filtering, Censorship and the First Amendment: Libraries at the Crossroads,” the material has been updated and reorganized to include recent legislative events. The views and opinions expressed in this article are those of the author and do not necessarily reflect those of NLC or Winthrop University. See Disclaimer, infra, at endnote 11.
11. See: Sean Greer, Pocket Internet 55 (The Economist Newspaper Ltd. 2000) (hereinafter Pocket Internet).
12. Id., at 158.
13. Id.

Libraries In The Cyberage — Filtering, Censorship and the First Amendment: Libraries at the Crossroads

by Carol A. Clancy, Esq. 10


Introduction

Interactive computer services that link the public to Internet access and accompanying software programs, including Internet filters that screen or block objectional access to objectionable material, represent modern technologies that provide critical tools for the Public Library. Under federal law, an interactive computer service is defined in 47 U.S.C. ‘230(c)(2) as:

any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or offered by libraries or educational institutions. (Emphasis added.)

Federal law specifically provides that libraries may use software filtering technology in operating such systems that offer public Internet access. 47 U.S.C. ‘230(c), entitled A Protection for Good Samaritan Blocking and Screening of Offensive Material, states at ‘230(c)(2)(A):‘

Civil liability. No provider or user of an interactive computer service shall be held liable on account of (A) any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected. . . . (Emphasis added.)

In tandem with offering public Internet access, a variety of filtering software programs are available that can be used to do:

1. wisley manage limited library resources, and
2. protect the use of library property, and

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3. Prevent library patrons and staff from being accosted by a deluge of unwanted, harmful, and often illegal material.

Public Libraries and Cyberporn

Blocking software was originally designed to protect children from exposure to online pornography and other perceived dangers on the Internet. Pornography has become one of the Internet's biggest businesses. Pornography, an American research company, estimated that the commercial Internet market for sexually explicit pornography was nearly $1 billion in 1998, or about 10% of the total amount spent on e-commerce. According to Forbes Magazine, the 1999 market segment world sales for Internet sales and memberships was estimated to be $1.5 billion, and the total commercial exploitation of sex by a worldwide industry was estimated at $56 billion dollars per year.

Pornographic depictions of all types of sexual acts imaginable have been shown, sold, traded, and publicly disseminated, and are still available, both for free and for profit, and can be accessed by both adults and children, by means of the Internet. Such material is particularly prevalent on the World Wide Web, and in Usenet newsgroups. Because of the pervasive, unrestricted, and world-wide nature of the Internet-based sex exploitation industry, any publicly subsidized library must be aware that in providing unfiltered Internet access to staff and patrons it is also providing free and indiscriminate access to a wide range of pornographic materials and related online criminal activity. This raises public safety concerns, especially where Internet use involves minors. See Internet Crimes Against Children Task Force Program; Notice, Department of Justice, Office of Juvenile Justice and Delinquency Prevention, which notes:

Industry experts estimate that more than 10 million children currently go online and, by the year 2002, 45 million children will use cyberspace to talk with friends, explore the universe, or complete homework assignments. In cyberspace, children are a mouse click away from exploring our greatest museums, libraries, and universities. Unfortunately, they are also a mouse click away from sexual exploitation and victimization. While providing almost limitless opportunities to learn, the Internet has also become the new schoolyard for predators seeking children to victimize. Yesterday's enticements of puppy dogs and candy bars are augmented in today's chat rooms with anonymity and pornography. Cloaked in the anonymity of cyberspace, sex offenders can capitalize on the natural curiosity of children, seeking victims with little risk of detection. Preferential sex offenders [defined as individuals whose primary sexual focus is children] no longer need to lurk in parks and malls, instead, they can roam from chat room to chat room trolling for children susceptible to victimization. This alarming trend has grave implications for parents, teachers, and law enforcement officers because it circumvents conventional safeguards in place for the physical world and provides sex offenders virtually unlimited opportunities for unsupervised contact with children.

Library installation of Internet filtering software can substantially, but not completely, close the door to some of these online dangers related to the dissemination of pornographic materials.

Description of Pornographic Materials That Do Not Belong in the Public Library

The United States Supreme Court has used the term pornography to describe a particular type of material that is subject to identification based upon a specific type of sexually oriented content:

The material we are discussing in this case is more accurately defined as 'pornography' or 'pornographic material.' 'Pornography' derives from the Greek (pornos, harlot, and graphos, writing). The word now means 1: a description of prostitutes or prostitution 2: a depiction (as in writing or painting) of licentiousness or lewdness 3: a portrayal of erotic behavior designed to cause sexual excitement. Webster's Third New International Dictionary, supra. Pornographic material which is obscene forms a subgroup of all 'obscene' expression.

Serious works of art, literature, politics, or science; a mere nudity, medical works, disease prevention or awareness information, sexual advocacy, etc., though they deal with sex and include sexual descriptions or depictions, are not considered pornography in the context of their legitimate uses. There are at least five situations in which the Courts have approved some type of restriction on the dissemination of pornographic materials as being consistent with the requirements of the U.S. Constitution:

1. Obscenity: Obscenity, by definition, is a patently offensive appeal to a prurient interest in sex and has no serious literary, artistic, political, or scientific value. Obscenity objectively and crassly exploits human sexuality, is not protected by the First Amendment, and under federal law is completely banned on the Internet. Public libraries are authorized to use filtering software technology to block this material under 47 U.S.C. § 230(c)(2) and the newly enacted Children's Internet Protection Act (CIPA).
Although federal law forbids the dissemination of this material to either adults or minors, no significant federal obscenity prosecutions of Internet obscenity originated with the U.S. Department of Justice during the growth years of the Internet. On May 23, 2000, the lack of federal Internet-related obscenity prosecutions was the subject of a Hearing before the U.S. House of Representatives Committee on Commerce, Subcommittee on Telecommunications, Trade, and Consumer Protection. At this hearing, witnesses testified regarding the widespread availability of obscenity on the Internet, and its harmful effects. Former U.S. Department of Justice prosecutor J. Robert Flores, Esq., currently Vice President and Senior Counsel, National Law Center for Children and Families, stated:

The pornography industry has also become among the most aggressive marketers on the Internet, using newly developed push technologies alongside offensive and fraudulent marketing ploys. Thus, even if it were ever true, and I doubt it, that only those who sought out obscenity could find it, today only a lucky few are able to avoid it, as the Internet user community is bombarded with advertisements, tricked into visiting sites, given hot links to porn when search engines are asked for innocent sites, sent unsolicited porn spam e-mails, and trapped in endless mouse traps that bounce them from site to porn site when they try and leave.

In spite of the explosive growth in the dissemination of obscenity, aggressive marketing efforts which assault and trap unwilling Web surfers, and a focus on material which portrays children as a suitable sexual interest for adults, the Department of Justice has refused to take action.

Attorney Janet M. LaRue, Senior Director of Legal Studies, Family Research Council, testified that: In addition to the many other serious problems caused by the proliferation of hard-core pornography in our country, its accessibility via the Internet is turning America's public libraries into virtual peep shows open to the children and funded by taxpayers. This is primarily due to failure of the Department of Justice to enforce federal obscenity laws. See also the 1998 report by Morality in Media. National Perspective, which lists the number of obscenity prosecutions convictions, criminal referrals, and U.S. Attorneys' declinations, with lead charges as violations of 18 U.S.C. 1460-1468 (federal obscenity laws). The study documents that enforcement of obscenity laws dropped 86% in the Clinton Administration, down to just 6 prosecutions in 1997. U.S. Department of Justice data show only eight obscenity prosecutions (where a federal obscenity violation was the lead charge) in fiscal year 1998. (2)

(2) Child Pornography: Child pornography visually depicts children engaging in sexual activities, is not protected by the First Amendment, and under federal law is completely banned on the Internet. Dissemination is proscribed to both adults and minors. Public libraries are authorized to use filtering software technology to block this material under 47 U.S.C. 230(c)(2) and the newly enacted Children's Internet Protection Act (CIPA).

The Internet has fueled the explosive growth of child pornography and networks consisting of pedophiles (i.e., adults who are sexually attracted to children). Investigators have stated that before the Internet came along, pedophiles were lonely and hunted individuals, and authorities had child pornography under control. However, with the distribution capacity of the Internet, today networks of child abusers are proliferating worldwide. The National Center for Missing & Exploited Children, which operates a national CyberTipline since March 1998, has analyzed 37,000 reports about child exploitation, then categorized and passed them on to federal law-enforcement agencies or to local and international police. Currently, the CyberTipline receives between 400 to 450 leads on Internet child pornography and child sexual exploitation a week, but they expect that to increase to over 7,000, once new federal regulations go into effect that will require electronic communication and computing services to report violations of child pornography laws. John Rabun, the operational head of the CyberTipline, does not believe that the current law enforcement system will be able to adequately respond or control the existing volume of child pornography once this information reporting requirement is in place:

Instead of treating every specific tip or lead, we're going to have triage as you would in the E[mergency] [Room]. . . . The federal law-enforcement system is simply not equipped to deal with this kind of volume.

(3) Material Harmful to Minors: Material Harmful to Minors (HTM) is a legal term of art representing a form of variable obscenity, in which the definition of obscenity is modified to conform to the characteristics of what is recognized as the actual recipient audience: minors. HTM is not protected by the First Amendment when disseminated to minors. Public libraries are authorized to use filtering software technology to block a minor's access to this material under both 47 U.S.C. 230(c)(2) and the newly enacted Children's Internet Protection Act (CIPA). Recently adopted federal legislation (The Children's Online Protection Act or COPA) bans commercial web sites from disseminating this type of material to minors, and requires that any commercial web site that distributes this type of material verify the adult status of recipients through the use of credit cards, adult access codes, adult PIN numbers, or other technologies that may be developed in the future. COPA is currently being challenged in the Court system.

(4) Sexually Explicit Pornographic Visual Displays Connected to Sexual Harassment: Sexually explicit pornographic visual displays are not protected by the First Amendment when used for an improper purpose, such as use in committing illegal sexual harassment (where the creation of a hostile work environment results). In the work environment, Courts have recognized that potentially expressive activities that produce special harms distinct from their communicative impact . . . are entitled to no constitutional protection, and banning such materials in the workplace does not censor such speech everywhere and for all time. Public libraries are authorized to use filtering software technology to block this material under 47 U.S.C. 230(c)(2). The newly enacted Children's Internet Protection Act (CIPA) authorizes public libraries to use filters to block a minor's access to this type of material, where it constitutes material harmful to minors. CIPA authorizes the use of filters to block adult access to this material, where it is obscene or child pornography. In adopting a Library Internet Policy aimed at eliminating sexual harassment in the workplace, great care should be taken to create an adequate record which explains the actual need for the sexual harassment policy. This will help overcome some of the problems that occurred in the Mainstream Loudoun case, in which the trial court struck a Library Internet Sexual Harassment Policy because the record was inadequate.

(5) Sexually Oriented Pornography in the Context of Land Use Planning: Under an approach common in land use cases, appropriate content-neutral time/place/manner restrictions may be placed upon the dissemination of non-obscene sexually oriented pornography as a generic category. This type of regulation creates the adult business or sexually oriented business as a separate and distinct generic category of land use. Restrictions are placed upon where the land use may occur. Potentially included in this land use category are establishments that regularly and continuously disseminate in substantial quantities what is theoretically regarded as non-obscene sexually explicit pornographic material that may be appropriate for an adult audience, but which is inappropriate for minors.

It should be recognized that many sexually oriented businesses may actually disseminate a range of illegal materials, such as obscenity or child pornography. When this is continued on page 51
discovered by law enforcement, such establishments are subject to prosecution under applicable state or federal criminal or civil law. If most sexually oriented businesses do not disseminate the complete range of materials available through unfiltered Internet access (i.e., including child pornography, bestiality, mutilation, torture, excretery functions, orgies, and other perversions), it may be because they fear being held accountable for criminal activity.

In the context of land use planning, non-obscene sexually oriented materials may be contained (but not banned) by creation of zones where the substantial, regular and continuous dissemination of this material is either proper or improper. This type of restriction does not attempt to regulate the primary effects of the expression, i.e., the internal effect on the individual of viewing sexually explicit materials, except to the extent the viewer is driven to participate in conduct that would comprise a secondary effect. This is an important distinction. The principal object of this type of regulation is to regulate the secondary effects commonly associated with establishments that substantially, regularly and continuously disseminate non-obscene sexually oriented materials, and includes a variety of impacts on public health, safety, and welfare (such as increase in crime, littering of pornographic materials, on-premise sexual activity, etc.)

Public libraries are authorized to use filtering software technology to block this material under 47 U.S.C. 230(c)(2). The newly enacted Children’s Internet Protection Act (CIPA) authorizes Public Libraries to use filters to block dissemination of this type of material to minors. CIPA authorizes the use of filters to block adult access to this material, where it is also obscene or child pornography. For a more complete discussion, see ‘3. Is filtering of pornographic content within First Amendment boundaries?’

**Open Access to Pornography Opens Access to Danger**

Those who have never encountered pornographic imagery on the Internet should be aware that there are serious law enforcement concerns in providing unfiltered access to both children and adults, because illegal materials from both foreign and domestic sites are easily accessible by both groups of patrons, unless precautionary measures are taken. Internet filtering software is needed to provide a minimum measure of protection against the intentional or unintentional accessing of pornography by library Internet users (whether they are minors or adults).

The 1986 Attorney General’s Commission on Pornography consciously decided to include within its report the effects of non-obscene pornographic materials. The Commission divided pornography into four classifications: (1) Sexually Violent Materials, (2) Sexual Activity Without Violence But with Degradation, Submission, Domination or Humiliation, (3) Sexual Activity Without Violence, Degradation, Submission, Domination or Humiliation, and (4) Nudity Without Force, Coercion, Sexual Activity or Degradation. The Commission then analyzed each classification according to three tiers: (1) Social Science Evidence, (2) Totality of Evidence, and (3) Moral, Ethical and Cultural. Potential negative effect was found in all four classifications, as set forth below:

I. **Sexually Violent Materials**
   A. Social Science Evidence—Negative effects were found to have been demonstrated.
   B. Totality of Evidence—Harm found in all sub-tiers
      1. Acceptance of Rape Myths
      2. Degradation of the Class/Status of Women
      3. Modeling Effect
      4. Family
      5. Society
   C. Moral, Ethical and Cultural—Harm found

II. **Sexual Activity Without Violence But with Degradation, Submission, Domination or Humiliation**
   A. Social Science Evidence—Negative effects were found to have been demonstrated.
   B. Totality of Evidence—Harm found in all sub-tiers
      1. Acceptance of Rape Myths
      2. Degradation of the Class/Status of Women
      3. Modeling Effect
      4. Family
      5. Society
   C. Moral, Ethical and Cultural—Harm found

III. **Sexual Activity Without Violence, Degradation, Submission, Domination or Humiliation**
    All Commissioners agreed that some materials in this classification may be harmful, some Commissioners agreed that not all materials in this classification are not harmful. It was determined that this classification is a very small percentage of the total universe of pornographic materials. See text (of Report) for further discussion.

IV. **Nudity Without Force, Coercion, Sexual Activity or Degradation**
    All Commissioners agreed that some materials in this classification may be harmful, some Commissioners agreed that not all materials in this classification are not harmful. See text (of Report) for further discussion.

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Cyberage Endnotes (continued)
33. See the Child Online Protection Act, Pub. L. No. 105-277, 112 Stat. 2681 (1998) (codified at 47 U.S.C. § 231 (COPA)). This law bans sending to minors over the Web material that is harmful to minors, as that term has been defined in the statute at 47 U.S.C. § 231(e)(6). COPA requires that Web sites that distribute the prescribed material verify the adult status of recipients through the use of credit cards, adult access codes, adult PIN numbers, or other technologies that may be developed in the future. COPA is being challenged in the Court system. The statute was preliminarily enjoined as unconstitutional, and the preliminary injunction was upheld by the United States Court of Appeals for the Third Circuit on June 27, 2000. See ACLU v. Reno, 31 F.3d 2472 (3rd Cir. 2000). The Court of Appeals held that the statute was unenforceable because it relied on community standards to identify material that is harmful to minors; petition for cert. filed February 2000, sub nom. Ashcroft v. ACLU, No. 00-1295. The matter is still pending in the Court, and no final decision as to the merits of the law has been reached.
36. Mainstream Loudoun v. Board of Trustees of the Loudoun County, U.S. District Court for the Eastern District of Va., Alexandria Division, Civil Action No. 97-245-A. See federal trial court opinions at 2 F.Supp.2d 783 (April 7, 1998) and 24 F.Supp.2d 552 (Nov. 23, 1998). See infra note 41, and accompanying text. In Mainstream Loudoun, a Library Policy on Internet Sexual Harassment was found to be invalid on the grounds that it was over-inclusive. See discussion of the Mainstream Loudoun case infra at 3. Is filtering of pornographic content within First Amendment boundaries?

Today, the widespread dissemination of illegal Internet pornography raises a number of substantial social concerns. See, for example, Healing Sexual and Pornography Addictions, in which Victor B. Cline, Ph.D., as a licensed clinical psychologist, discusses the harmful effect of pornography, and strategies helpful in healing individuals struggling with these issues, based upon clinical experience with 350 sexual addicts or sexual compulsives. See also Pornography’s Effects on Adults and Children, in which Dr. Cline describes how pornography can destroy certain individuals. The author draws upon concrete examples, some of which are taken from his clinical practice. He identifies and discusses a progressive four-step pattern consisting of:
1. addiction,
2. escalation,
3. desensitization, and
4. acting out sexually.

See also Treatment and Healing of Sexual and Pornographic Addictions, in which Dr. Cline describes strategies useful in treating sexual addicts, particularly those addicted to pornography.

For a feminist perspective on this topic, see, Pornography As A Cause of Rape, by Diana E. Russell, Ph.D., in Against Pornography: The Evidence Of Harm. See also various papers by the Coalition Against Trafficking in Women, regarding predators on the Internet, and the global sexual exploitation of women and children, available online: http://www.urc.edu/artsci/wms/hughes/catw/catw.htm.

See also National Center for Missing & Exploited Children, Online Victimization: A Report on the Nation’s Youth. This is a survey of 1,501 youth who were regular Internet users, and was commissioned by Congress. The survey indicates that teenagers are a primary vulnerable population. According to this report:
1. Approximately one in five received a sexual solicitation or approach over the Internet in the last year.
2. One in thirty-three received an aggressive sexual solicitation — a solicitor who asked to meet them somewhere; called them on the telephone; sent them regular mail, money, or gifts.
3. One in four had an unwanted exposure to pictures of naked people or people having sex in the last year.
4. One in seventeen was threatened or harassed.
5. These incidents distressed approximately one quarter of young people who reported them.

See also the Zogby International Survey, released March 21, 2000, commissioned by Focus on the Family. This study documents a growing addiction to pornography that has ensnared millions of Americans, and which threatens public safety and national productivity. The survey indicates that 1 out of 5 American adults may have looked for sex on the Internet. 20.8% of respondents admitted they had visited a sexually oriented Web site. The percentage was higher among males and young adults.

See the following reports, available as part of the electronic Online Library maintained by the Commission on Online Child Protection, hosted by the Congressional Internet Caucus Advisory Committee:
1. David Burt, Dangerous Access, 2000 Edition: Uncovering Internet Porn in America’s Libraries, and
2. The Greenville County, South Carolina, Library Board Report.

Study No. 1: Dangerous Access, 2000 Edition
This document reports over 2,000 incidents of Library patrons using online services to access pornography, and updates a 1999 study by Burt, entitled Dangerous Access, that had documented 503 incidents of patrons accessing pornography in public libraries. In the 1999 study, children were involved in 245 of the incidents, and 20 involved child pornography, a molestation, and several attempted molestations. The 1999 report documented 195 incidents of children accessing pornography, at an average of 12 years of age. In order to produce the 2000 report, 14,000 Freedom of Information Act requests were sent to the nation’s 9,767 public library systems, asking for copies of complaints, reports, and other documentation of incidents involving patrons accessing pornography. A six-month investigation of the responses received uncovered more than 2,000 documented incidents of patrons, many of them children, accessing pornography, obscenity, and child pornography in the nation’s public libraries. Documented incidents included situations in which librarians witnessed adults instructing children in how to find pornography, adults trading child pornography, and both adults and minors engaging in public masturbation at Internet terminals. Analysis of computer logs from just three urban libraries revealed thousands of incidents that went unreported, indicating that the 2,062 incidents represent only a fraction of total incidents nationwide. It is therefore believed that the total number of incidents each year nationwide is more likely to be between 400,000 and 2 million.

Study No 2: The Greenville County, South Carolina, Library Board Report
Conducted over approximately an 8-month period, this study references more than 100 documented incidents in which patrons had viewed/displayed pornographic and/or obscene material. During this period, the Library had a written policy forbidding patrons to access pornography, which was enforced by a tap on the shoulder. In an unsuccessful attempt to curb continued violations of the Library’s written policy, the County also installed privacy desks, and eventually positioned all Internet screens so that they could

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be monitored by library staff. The graphic nature of the violations reported is quite shocking. The report discloses the substantial and repetitive nature of the problem, as well as the potential danger involved in offering unfettered Internet access to adults.

Cyberage Endnotes (continued)

46. The electronic Online Library maintained by the Commission on Online Child Protection, hosted by the Congressional Internet Caucus Advisory Committee, visited January 28, 2001, is located at http://www.copacommission.org/papers.
47. David Burt, Dangerous Access, 2000 Ed: Uncovering Internet Porn in America’s Libraries (visited January 28, 2001) http://www.copacommission.org/papers. See also infra note 57 and note 58, and accompanying text, for an example of a news report confirming that Burt’s report only represents the tip of the iceberg. See also infra note 189, regarding the hidden nature of the problem.
49. Testimony of Janet M. LaRue, supra note 13. See also supra note 38, and infra note 57 and note 58, and accompanying text.
52. Testimony of Janet M. LaRue, supra note 13, citing Paul Levy, “Complaints filed over Web porn at Minneapolis Public Library: Librarians say they work in a hostile environment.” Minneapolis Star Tribune, May 4, 2000, at 1B.

The study identified the following problems with a Library Internet Use Policy that provides unfettered Internet access:

A. Pornography and/or obscenity. Examples of problems:
1. Patrons were inadvertently exposing other patrons, including children, to pornography and/or obscenity, either:
a) while patrons were viewing pornography and/or obscenity;
b) after patrons had viewed pornography and/or obscenity and had left their terminals
2. In some instances, adult patrons had intentionally exposed children to pornography and/or obscenity.
3. Without regard to whether other patrons were being exposed, some patrons were viewing materials that clearly fit within the scope of federal and state obscenity laws and the Miller Test.
4. Some patrons were viewing child pornography.
5. Children were viewing pornography and/or obscenity.
6. Inappropriate patron activity was linked to patrons viewing pornography.

B. No Time Limits: One staff member estimated that twenty to twenty-five (20-25%) percent of patrons were using the Internet to access pornography and/or obscenity. Enforcing time limits was sometimes a problem for staff. Some of the patrons who use the Internet have been compared to junkies. These patrons were difficult when politely asked to limit their time or leave at the end of the day.

C. Chat Rooms: Virtually all staff interviewed expressed the view that chat rooms caused many problems. The report stated that chat rooms took up an inordinate amount of time for useless activity and often led to the display of pornographic and/or obscene images. One branch manager stated:

We must clearly do something about chat rooms. I saw an eight-year-old male in a chat room where someone had asked how he was equipped. I watched a thirteen-year-old female using the screen name Sexy p**** type in a line in a chat room asking if anyone would like to have sex with her....You would not believe some of the things that we see. Unescorted children in chat rooms doing who knows what...a mother who brings in her children and sits for hours in chat rooms, then leaves her children at the library with another family member who is also in a chat room. Five to eight year old children should not be in the library for five to six hours a day....These people are like junkies - totally out of control and they waste thousands of dollars worth of County equipment to accomplish nothing.

D. Groups of People/Clusters: Staff stated that patrons sometimes clustered around computer terminals. The clustering was disruptive to other patrons and encouraged unruly activity.

E. Lack of Consequences for Violators/Lack of Support by Administration: Staff interviewed stated that the library administration failed to support the original Internet Use Policy and gave staff no backup. A number of patrons regularly viewed pornographic and/or obscene material and disregarded staff instructions and harassted staff. Yet these patrons continued to maintain their Library privileges and never experienced any real consequences for their behavior.

F. Effect on Staff: The combination of a lack of time limits, exposure to pornography and/or obscenity, lack of administrative support, and requiring staff to monitor the Internet area was found to have contributed to a high level of frustration and burnout for staff. In short, the current Internet Use Policy (i.e., providing unfettered Internet access) required too high a level of staff involvement and put staff in uncomfortable positions.

1. A female staff observed a man viewing pornography, which included naked and mutilated female bodies. As female staff were leaving for the evening, the male patron was waiting outside the door and made a remark to the female staff. The combination of what the man was viewing and the way he made his remark was very disturbing to the female staff.
2. A female staff received a sexually oriented and aggressive email from a patron. She was upset by receiving the email but also disturbed by the way the matter was handled by administration, who referred her to the Greenville City Police.
3. A female staff stated that they were occasionally called over to a terminal by male patrons who claim to be stuck in a pornographic site. These male patrons appeared to be seeking some sort of reaction from female staff.

The effect of pornography and/or obscenity on staff was regarded as a serious issue. While acknowledging the need to encourage

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that staff feel uncomfortable asking patrons to move or see the material themselves - what are we requiring of them? The study concluded:

Concern about intellectual freedom must be tempered by a countervailing concern about the effects of viewing and displaying pornography and/or obscenity in a public place. These effects include the exposure of children and other unwilling patrons to pornography and/or obscenity, both inadvertent and intentional; the viewing and display of child pornography; inappropriate activity; rude and vulgar and boisterous activity; and the creation of a sexually hostile and extremely frustrating atmosphere for staff and patrons. Much of the material described in the incident reports and Internet log entries does not enjoy constitutional protection. Moreover, material which is not otherwise obscene may, when displayed to minors, violate state and federal law.

The tap on the shoulder policy and the use of privacy desks have not solved the problem. The majority of reported incidents have occurred since these measures were implemented. Children and other unwilling patrons and staff are still being exposed to pornography and/or obscenity. Even absent the problem of exposing children and other unwilling patrons and staff, the library has a responsibility and obligation to not provide obscene material and child pornography or, in the context of minors, material that is harmful to minors.

Not only has the tap on the shoulder policy not solved the problem but also it is no less a form of censorship than a software solution, although it is certainly more awkward and inconsistent. Staff are essentially asked to harass patrons away from material provided by the library. Some staff may apply different standards of judgment than others. Some staff don't tap on the shoulder at all. Some patrons may be allowed to access certain material in peace while others are tapped on the shoulder and asked to move to different sites.

Much of the material available on the Internet would fail to meet the library's selection criteria in the first instance. The library should not be put in the position of having to accept everything that is available on the Internet, especially considering that much of the material is useless, disruptive, and illegal. The library must offer material through the Internet which is consistent with its purpose and in a manner that is suitable to the public atmosphere that exists in its buildings.

The Greenville study demonstrates that the provision of unfiltered Internet access to sexually explicit pornographic materials in the public library setting can act like a magnet that attracts certain types of identifiable secondary effects, including:

1. Statistical increase in use of library property to engage in criminal activity by patrons (i.e., accessing or possessing child pornography is a felony under federal law), and attraction of a congregation of patrons who engage in such conduct;
2. Statistical increase in disruptive and objectionable behavior and inappropriate patron activity on library premises, and attraction of a congregation of patrons who engage in such conduct;
3. Attraction of a clearly identifiable group of undesirable adult patrons, who had as a primary purpose an intent to engage in a consistent pattern of unlawful use of library property, who:
   a) were attracted to the free accessing of obscenity and child pornography,
   b) engaged in the purposeful display to minors of materials illegal to disseminate to a minor,
   c) engaged in specific and repeated violations of the library Written Internet Policy against accessing pornography,
   d) engaged in harassing behavior directed toward library staff.

The Secondary Effects of Providing Unfiltered Library Internet Access

Both of the above reports (Dangerous Access and The Greenville County Library Board Report) demonstrate that providing unfiltered access to Internet pornography in public libraries can have a potential impact on public health, safety, and welfare, and can be associated with the creation of certain secondary effects, including a statistical increase in criminal or unlawful activity (both against the person and against library property) on library premises. Foreseeable secondary effects include sexually harassing behaviors, public littering of pornographic materials, increased traffic, and increased noise (from patrons congregating and discussing or talking about pornographic displays), cruizing for sexual contact activity, and a statistical increase in levied public behavior.

If this type of objectionable conduct by library patrons is left unchecked, it tends to establish a consistent pattern that can become entrenched. It is foreseeable that this could contribute to the creation of a hostile work environment: for library staff, and a hostile workplace/study place for other library patrons. Pornography in the workplace can constitute, or be evidence of, sexual harassment in violation of state and federal civil rights laws and create or contribute to a hostile en-
planning what he though would be a sexual liaison with six youngsters (one as young as 3 years old) from a computer at the Los Angeles Public Library. News reports stated that this defendant had routinely used computers at the Los Angeles Central Library to collect and distribute child pornography, explaining: He would go to the library as soon as it opened up and signed up to use each computer on each floor. . From there he maintained his Website, while e-mailing and communicating with members of his club. This library patron is reported to have sent one undercover officer as many as 300 images of child pornography. It should be noted that while the library staff cooperated in the police investigation, it was not involved with the investigative operation, and had not received a complaint from patrons who may have witnessed the defendant’s acts. Subsequently, the arrested library patron was found guilty and sentenced to three years and eight months in prison.

4. In Cleveland, Ohio, a news station conducted an investigation and caught on videotape library patrons viewing Internet porn and engaging in public masturbation.

In addition to the above reports, several articles provide a connection between unfiltered library Internet usage andewed public behavior in a Louisiana Public Library. According to these reports, at a Louisiana Public Library in Jefferson Parish, a man allegedly engaged in public lewd conduct in front of two girls, 12 and 14 years of age. When the girls and their mother complained, the staff librarian responded to the complaint by sending a memo to the library director. No librarian took any action to report this alleged violation of the criminal law to the police. However, the mother (dissatisfied with the way the library had handled the complaint) contacted the police and reported the incident. She told the police that her two daughters (ages 12 and 14) had witnessed a man masturbating at a computer the night before. The police then obtained a warrant (after the library director and the Parish attorney declined to turn over the computer sign-up logs without a court order), and conducted an investigation of what had occurred on library premises.

As a result of this police investigation, the alleged perpetrator was apprehended. It was then discovered that he had a history of being charged with committing sex offenses, but had never been convicted. He had been convicted of a drug offense, but was out on probation. Recently, he had been arrested for an obscenity offense (walking naked outside his apartment). Because of his obscenity arrest, his probation was first revoked, and then reinstated (because he had not yet con-
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Born & lived: I was born in Palo Alto, CA, but was raised from infancy in the Boston area.

Family: I'm the oldest of seven children; we lived in Belmont when I was a toddler, then moved to Burlington when I was five, then moved to Arlington when I was seven; I spent the rest of my childhood there.

Education: I graduated from Arlington High School in the class of '83, attended Ricks College for a year, took two years off to serve as a Mormon missionary in France and Belgium, then returned for another year at Ricks before transferring to Brigham Young University where I earned my BS and MLIS degrees.

First job: My first job was washing dishes at Brigham's in Harvard Square. I later moved up to scooping ice cream. The only thing worse than washing dishes was serving ice cream on the day of the Harvard-Yale game.

Professional career and activities: Since getting my MLIS I've worked for Yankee Book Peddler, the University of North Carolina at Greensboro and now the University of Nevada, Reno. I write a lot in professional and unprofessional journals and magazines, and stay in touch with my inner logorhric by participating much too enthusiastically on several online discussion lists. I'm a member of NASIG and the Music Library Association, and serve on the editorial boards of ACQNET, LCATS and Notes.

In my spare time I like to: Read crime novels, hang out with my wife (Laura Wolz, 30ish) and kids (Maggie, 9, Bryan, 6, and Tucker, 3), play clawhammer banjo, write CD reviews, come up with analogies.

Favorite books: I probably would have been a writer anyway, but I tell myself that the reason I'm a writer now is that I read Harriet the Spy five or six times while in elementary school. These days I'll read anything by James Lee Burke, Robert B. Parker, Elmore Leonard, Thomas Perry, George Pellecanos, Robert Christgau, Christopher Buckley, Annie Proulx, Hugh Hibley, and Ian Frazier. I can't read anything by Gore (Did you notice how smart and cute I am?) Vidal, and for some reason I can't seem to get past the first hundred pages of Cold Mountain. (It's not you, Charles, it's me.)

Pet peeves/what makes me mad: Loyalty over reason, rhetoric over substance, librarians who want to fix patrons instead of improving services.

Philosophy: Question your own motives at all times.

Most meaningful career achievement: Feeding my kids.

Quirks: I'm bad at sitting still and paying attention (my leg bounces and my mind wanders), and I suffer from intense and indiscriminate love of babies. I'm also a very bad judge of the difference between appropriate and inappropriate humor.

How/Where do I see the industry in five years: Five years from now I suspect that research journals will be published almost entirely online, and the concept of an "issue" will have started to sound very 20th-century. Half of research libraries will have stopped journal check-in. Books and humanities journals will still be primarily a print enterprise, but print-on-demand will have finally taken hold in the marketplace and eBook readers will have become the preferred platform for college textbooks. Search engine technology will have matured to the point that, unless we wake up very quickly and start radically rethinking the way we organize, present and distribute our services, a large number of our patrons will see the library as a morgue for old information, not a place to solve their current information needs.

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