

**Ohio Library Council**  
**Children's Internet Protection Act (CIPA)**

**INTELLECTUAL FREEDOM ISSUES RELATED TO CIPA**

The Children's Internet Protection Act (CIPA) raises a variety of intellectual freedom concerns. Among them are the following:

1. The use of filters blocks access to adults of constitutionally protected speech. Although the intent of CIPA is to block three categories of materials: visual depictions that are obscene, child pornography, and, in the case of minors, harmful to minors. The current state of technology and the design of filters inevitably lead to the blocking of sites that contain material that is constitutionally protected when viewed by adults. This is referred to as "over blocking." The blocking of constitutionally protected speech is contrary to the American Library Association (ALA) Library Bill of Rights.
2. The U.S. Supreme Court in its plurality opinion did not deny that filters over block. Rather, the justices argued that as long as the filter could be easily disabled promptly for any adult without any questions asked, there was little or no constitutional problem. The requirement, however, that filters be easily disabled, does not dispose of the intellectual freedom problem, but diverts it to another equally important concern: requiring a patron to request that a filter be disabled places a barrier between the patron and the information. Such barriers have been specifically proscribed in the ALA interpretation on "Restricting Access to Library Materials." Although a patron's request to disable a filter may be innocent, it is likely that many patrons would be reluctant to make such a request because it raises the possibility that they may wish to consult material that is sexual or otherwise sensitive. Patrons may be kept from obtaining wanted or needed information, because they fear reprisal or simply, loss of privacy, thus creating a "chilling effect" on intellectual exploration. It is analogous to the time when individuals had to ask a librarian for sexual materials which were stored in "closed" stacks.
3. The use of filters blocks access to speech which is constitutionally protected even for minors. Because of the design of filters, there is substantial evidence that they block sites that are totally unrelated to sexual material or other material construed as harmful. The U.S. Supreme Court was silent on the rights of minors to materials in libraries, and instead, emphasized the compelling interest of the State to protect them from harmful materials. Despite this omission, the American Library Association avows through the ALA Library Bill of Rights that age is not to be considered when access to information is involved, and the blocking of sites that are constitutionally protected for minors is a violation of our profession's intellectual freedom principles.
4. The ruling of the U.S. Supreme Court on CIPA, although sometimes characterized as a "narrow" decision, may be seen as an encouragement for the passage of new State laws modeled on CIPA. These laws may be written more broadly and erode further the intellectual freedom rights of library users. Laws proposed by State legislatures, such as Ohio's S.B. 144, could be more restrictive than CIPA and could have a greater impact on critical library funding.