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# In debate over pornography, Orland Park library pleads the First

## Library has allies in the decision to allow porn on its computers

November 04, 2013|By Taylor W. Anderson, Chicago Tribune reporter

Suburban mom Megan Fox uses libraries regularly to home-school her children, but what she said she saw on a recent visit to a local library left her aghast: three men on three different library computers viewing pornography.

And, according to library policy, there's nothing wrong with that.

Fox wrote a letter to Orland Park library officials and followed up at a library board meeting last month, confronting officials about their policy and posting a [video online](#) of the meeting that has been viewed nearly 10,000 times.

The Orland Park Public Library cites the First Amendment in explaining why it allows patrons to look up anything — including pornography — on its adult-only computers so long as the material isn't illegal or obscene. The district's stance is an anomaly in the south and southwest suburbs, but other local library districts, including Chicago's, have policies similar to that in Orland Park.

"Let's see how long their so-called First Amendment rights to porn can stand up against angry parents," said Fox, who lives in a nearby suburb but said she uses the Orland Park library often. "Who do they think they are?"

The controversy is the latest installment in a debate that stirs passions on both sides and has lacked a cure-all answer for decades. How should public libraries balance access to information with keeping potentially inappropriate material away from children? With the advent of new technologies, the dilemma extends beyond books and into websites, photos and videos, making an attempt at balance even more daunting.

"We do not filter access to our adult computer area," library spokeswoman Bridget Bittman said. "We believe people have a right to access that legal information."

### Support for Orland Park

Orland Park's policies have a powerful ally in the Chicago-based American Library Association, the largest and oldest library advocacy group in the country.

The association tracks debates nationwide and lends its opinion when a library faces backlash for the material it provides.

"It's up to the library to provide as much as possible so people can learn to think critically about what is out there," said Barbara Jones, director of the association's office of intellectual freedom. "If they don't agree with it, they can go on to another (Internet) page."

The association says libraries that restrict the ability to view certain images or videos online put themselves at risk of lawsuits.

Deborah Caldwell-Stone is deputy director in the association's intellectual freedom office. She outlined the issues library boards have to consider when making policies that include Internet access and patron behavior.

"Libraries have to balance so many concerns — financial, legal, community interest and needs and things like that," Caldwell-Stone said. "Lots of libraries are walking a tightrope."

It's ultimately up to the library board and the community to decide what works best to address safety concerns and best practice, she said.

Nearby public libraries, including those in Mokena, Tinley Park, Frankfort and Lockport, forbid viewing pornography on library computers. Lemont and others have filters on adult computers that can be taken off if requested.

"Honestly it's up to each individual board," Tinley Park library administrator Rich Wolff said. "If you're going to use the Internet within this library, that is our policy, which you're asked to abide by."

Many of the suburbs' largest library districts are split on the issue. Naperville, Aurora and Waukegan have policies that prevent the viewing of porn on their computers. Public libraries in Arlington Heights and Evanston do not restrict access.

The Chicago Public Library, which follows the library association's guidelines, faced its own debate this year when a Chicago woman started a petition against pornography in libraries downtown. The petition fizzled, gathering fewer than 100 signatures.

### **Reading the courts**

There are differing opinions about which court rulings are the best legal groundwork for library boards to follow when drafting Internet and computer policies.

Dan Kleinman writes about the debate on his website, SafeLibraries.org, which keeps track of library policies. He cites a 2003 Supreme Court ruling that he said allows libraries to ban pornography without fear of a lawsuit.

"No library has ever been sued because someone said, 'You blocked my pornography,'" Kleinman said. "It has never happened. Not once."

Attorneys say libraries that ban pornography on computers are treading on uncertain legal ground because there's no legal definition for pornography, and obscenity must be decided in court. Some argue the case is already closed.

"Banning pornography raises the possibility of subjective and arbitrary ejection policies based on a librarian's individual tastes," attorney Robert Corn-Revere wrote in an email.

Corn-Revere represented plaintiffs in a Virginia case in which the court found that Internet filters on all public library computers were unconstitutional. Some libraries use filters to block explicit sites from adult computers. Libraries also legally block explicit sites from computers accessed by youths.

There have also been cases in which libraries faced court battles for taking books off the shelves. In a 1982 case, the Supreme Court ruled it was unconstitutional to remove books after the public had access to them, said J.D. Obenberger, a Chicago-based First Amendment attorney.

Obenberger said the 1982 case and Corn-Revere's from Virginia create a strong defense for public libraries that choose to allow patrons to access pornography on library computers.

"My sense is that once Internet access unfiltered is made available to the public, an effort to topically restrict and filter the content thereafter is probably a violation of the First Amendment," Obenberger said.

### **What about the kids?**

There's one aspect of the debate on which all involved seem to agree: Libraries need to provide a safe environment for everyone, especially children.

The Orland Park library said it has ample safeguards in place to prevent children from viewing pornography. Children younger than 18 can't log on to computers in the adult lab, where Bittman said the library has privacy screens that block what passers-by can see.

Filters that prevent children from looking up harmful material are also applied to youth computers, a practice the Supreme Court upheld in 2003.

Orland Park resident Steve Bachman said that while he supports the stance against censorship, the library could do more to block the view of the screens.

The adult computer lab is in the open, halfway down the hall on the second floor near more bookshelves. The lab staff can't see what patrons are viewing on computers, Bachman said.

"There is a little bit of a chance of children being exposed to something they shouldn't," Bachman said. "I think that's really the crux of the argument."

Orland Park and the library association have acted to soften the blow from the video that Fox and Kevin DuJan recorded during the Oct. 21 board meeting that helped put the issue in the spotlight.

"At Orland Park they have it all set up that it's like a pervert's dream because they can go there and log on and log off and no one will know what they're up to," DuJan said.

In the video, Fox and DuJan give five minutes of testimony to a visibly tense library board. The two lay out their negative experiences and ask the board to consider a new policy at its November meeting.

Bittman points out that Fox and DuJan don't live in Orland Park, though she added the library is reviewing all of its policies, including those regarding the adult computer lab.

Fox said she uses nearby libraries for all her home teaching materials. She and DuJan said they are looking into the history of the library addressing patrons who violate its behavior policies. Fox said she's ready for a lengthy battle with the library.

"If they had (apologized) to me, they would not be in this position right now," Fox said. "You pick the wrong person one time, and you find out what happens."