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FOR IMMEDIATE RELEASE

February 28, 2001

Egolf and Piccola Will Introduce Internet Access Legislation

HARRISBURG – Rep. Allan Egolf (R-86) and Sen. Jeffrey Piccola (R-15) unveiled legislation today designed to protect children who use the Internet in public libraries and public schools from obscene material, child pornography and other material harmful to minors.

The legislation would require public libraries and public schools to have an acceptable-use policy for Internet access.

“Pennsylvania's public libraries are being funded in large part by record-setting amounts of state taxpayer dollars, and its Internet access is being paid for by hard-working Pennsylvanians,” said Piccola. “Therefore we have the right -- and the duty -- to protect all of our citizens, regardless of their age, from obscene material and pornography received over publicly funded computer equipment.”

“In 2000, Congress passed, and the president signed, legislation containing the Children’s Internet Protection Act, which attempted to prohibit the accessibility to children of materials on the Internet harmful to minors in public schools and libraries,” Egolf said.

“While Congress has tried to make the Internet a safer and more family-friendly place in public schools and libraries, its action is being criticized by some individuals and the American Library Association who broadly interpret the First Amendment as securing complete and unfettered access by anyone, regardless of age, to any type of speech, any type of graphic presentations, regardless of how obscene.”

Under the legislation, public library and public school policies would have to be designed to block any user from accessing obscene material, child pornography and material that is harmful to minors.

Protecting children from pornography on the Internet is the foremost concern of communities, according to a report from the National Issues Forum.

Many public libraries and public schools that have computers with free, unrestricted Internet access for patrons do not provide filtering of pornographic or obscene sites.

“The American Library Association has taken an official position against any type of filtering or restricted access in their member libraries on the basis of free-speech or freedom of expression,” Egolf said. “Yes, there is a constitutional right to freedom of speech. But there is no such legal right to make obscenity and pornography available through taxpayer funding.”

The legislators said the state must adopt legislation in order to:

- Protect children against exposure in public schools to obscene material, child pornography, and material harmful to minors.
- Prevent public libraries from becoming magnets for pedophiles, molesters, and others with an unhealthy interest in pornography by removing an attraction that is drawing these people to a learning environment, i.e. the library, that places them in close proximity to children.
- Protect patrons and employees against the hostile environment created by those who would display sexually graphic images on library computer screens.

Egolf said House Bill 10, which has more than 50 cosponsors, would accomplish these common-sense objectives by requiring public schools and public libraries to have and enforce acceptable-use policies for Internet access.

“Their policies would have to be designed to block any user from accessing obscene material, child pornography, and material harmful to minors,” Egolf said.

Piccola has introduced legislation identical to Egolf’s among his Senate colleagues.

“If Pennsylvania's taxpayers are going to provide their libraries with the ability to access the Internet, then Pennsylvania's taxpayers are going to have some say about how the Internet is used,” Piccola said.

A similar measure sponsored by Egolf passed the House by a vote of 177-15 last year.

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LB/jab

Statement by Rep. Allan Egolf

Feb. 28, 2001

Thank you for taking the time today to be here as we discuss the important issue of protecting children who use the Internet in public schools and libraries from accessing obscene and other materials harmful to minors.

Let me assure you, our problem is not with the Internet. At home, work, or in schools and libraries, the Internet enables millions of people daily to communicate with others any place in the world.

According to the World Almanac by early 2000, more than 300 million people were using the Internet around the world.

Like most published works, Web sites, for the most part, are sources of wholesome, mind-expanding information. At its loftiest, the Internet is an invaluable tool, providing individuals with access to research and documents they would otherwise never have the opportunity to see. At its basest, the Internet allows access to the most antisocial and deviant materials imaginable.

Sen. Piccola and I are introducing legislation designed to protect children who use the Internet in public libraries and public schools from obscene material, child pornography and other unsuitable material.

The legislation would require public libraries and public schools to have an acceptable-use policy for Internet access.

In 2000, Congress passed, and the President signed, legislation containing the Children's Internet Protection Act, which attempted to prohibit the accessibility to children in public schools and libraries of materials on the Internet harmful to minors.

While Congress has tried to make the Internet a safer and more family-friendly place in schools and libraries, its action is being criticized by the ACLU and The American Library Association (ALA) who intend to challenge that law in federal court. The American Library Association is stridently opposed to filtering Internet pornography from libraries—even for children.

The ALA's official position is that, quote: "The rights of users who are minors shall in no way be abridged." "Libraries ... must support access to information on all subjects ... regardless of the user's age or the content of the material."

The ALA and the PA Library Association have disseminated a lot of misinformation concerning this issue to their member libraries and have asked local librarians to contact their state representatives and senators to oppose this legislation.

They claim that there have been few complaints and that accessing of pornography on the Internet is not a problem.

In fact, however, a Family Research Council Investigative Report released on March 15, 2000, in Washington, D.C. revealed that "there's a sea of evidence that Internet pornography and related sex crimes are a serious problem in America's libraries—and we've only uncovered the tip of the iceberg, due to the efforts of the American Library Association to chill the facts".

One of my constituents, Tricia Wilt, related to me an incident that she witnessed in one of our local small town libraries – one of the last places you would expect to see such material. She will tell her story later.

Under our legislation, public library and public school policies would have to be designed to block any user from accessing obscene material, child pornography and material that is harmful to minors.

Protecting children from pornography on the Internet is the foremost concern of communities, according to a report from the National Issues Forum.

A study for Digital Media Forum found that 92% of adults surveyed say that pornography should be blocked on school computers. 74% think the government should ban online pornography outright.

Those who oppose this legislation cite freedom speech issues. But there is no such legal right or obligation to make obscenity and pornography available through taxpayer funding. Interestingly, “men’s magazines” cannot be sold to minors in print, but there is no law against giving them to children on the Internet.

We are urging our colleagues to adopt legislation in order to:

1. Protect children against exposure in public schools to obscene material, child pornography, and material harmful to minors.
2. Prevent public libraries from becoming magnets for pedophiles, molesters, and others with an unhealthy interest in pornography, by removing an attraction that is drawing these people to our libraries and placing them in close proximity to our children.

3. Protect patrons and employees from the hostile environment and even sexual harassment created by those who would display sexually graphic images on library computer screens.

Our legislation would achieve these common-sense objectives by requiring public schools and public libraries to have and enforce acceptable-use policies for Internet access.

Their policies would have to be designed to block any user from accessing obscene material, child pornography, and material harmful to minors.

Sen. Piccola will now discuss his reasons for sponsoring similar legislation in the Senate.

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(may be revised when delivered)



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG
17120-2228

October 23, 2001

TO: Honorable Allan Egolf

FROM: Edward C. Hussie, Chief Counsel ECH

RE: Child Internet Protection Legislation

You have inquired into the scheduled date for the upcoming trial on the constitutionality of the Children's Internet Protection Act, which was enacted by the Congress last year. In addition, you have requested some background information on a recently enacted South Carolina law relating to Internet protection for children.

It is my understanding that the trial in the case of Multnomah County Library et al. v. United States of America, et al., No. 01-CV-1322, is scheduled to begin on February 14, 2002. The case, will be heard by a three-judge panel consisting of Chief Judge Edward R. Becker of the Third Circuit, and Judges John P. Fullam and Harvey Bartle III, of the U.S. District Court for the Eastern District of Pennsylvania.

As to your inquiry about recent South Carolina Internet protection legislation, I am enclosing a South Carolina statute that was enacted last year. Section 10-1-205 in Act 407 of 2000 provided that lending libraries supported by public funds and public school libraries must adopt policies that are intended to reduce the ability of users to access websites displaying material in violation of South Carolina's obscenity and harmful to minors law.

Section 10-1-206 in Act 407 established a library program for Internet filtering software which was designed to assess the feasibility of installing such software in libraries, as defined in § 10-1-205. Under this voluntary pilot program, participating institutions must equip Internet computers with one of the software devices provided by State Budget and Control Board, or an equivalent device. The software must be designed to eliminate or reduce the ability to access pornographic pictures or any other obscene material. At the end of the pilot, the board must evaluate the program on the basis of the following criteria: (a) the ability to limit/restrict access to obscene information or images; (b) the ability to limit or restrict access to sources of pornographic information or images that could be obscene as to minors or harmful to minors; and (c) the ability to successfully access and not filter legitimate research sites. The law also contains a provision which would provide for unblocking the Internet under specified

Honorable Allan Egolf
October 23, 2001
Page 2

circumstances. The pilot program expired on June 29, 2001, but the board has until December 1 in order to report its findings to the General Assembly. I have been advised that Ruth Kirkland, with the Board of Budget and Control (803-896-0370), is particularly knowledgeable about this pilot project. I am awaiting a return call from Ms. Kirkland and will let you know after I have heard from her.

We were unable to find any reference to an Internet filtering provision in South Carolina's current budget law. If you have any more information regarding the source of any such provision, please let me know and we will check it out.

The one South Carolina statute (§ 10-1-206) is similar to Pennsylvania's existing law in that it merely directs schools and libraries to adopt policies that are designed to limit access to inappropriate websites (see the McCall amendment, which was added in 2000 to § 304 of the Library Code, 24 P.S. § 4304), and the other South Carolina statute (§ 10-1-205) is a voluntary pilot project that expired on June 29th of this year. Accordingly, it does not appear to me as though either statutory provision is designed to be as comprehensive as your legislation or the federal law.

If I can be of any further assistance, please let me know.

ECH:kag