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Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: CC Docket No. 02-6

Sir or Madam,

I would like to comment on the current language for E-rate and child internet protection regulations specifically as it pertains to disabling internet filters in libraries. Requiring libraries to disable internet filters is allowing for many opportunities for sexual harassment of staff and patrons. Please add language that specifies that bona fide research does not include viewing pornography or requires institutions to give adequate notification to patrons about internet policies, limits requirements to disable internet filters when computers are in view of areas where children might be, defines the term adult, and specifies how long an institution must comply with the rules after the fiscal year has ended.

I am a librarian with ten years experience. I have heard and witnessed many horror stories about internet use and sexual predators in libraries. Here are a few examples of why I am asking for these rules to be changed:

At one library men were coming into the library late in the evening when the office and professional staff had gone home for the day leaving mostly pages who were teenagers or in their early twenties. The men would pull up a pornographic website then call one of the young women over to complain that there was something wrong with the internet browser or computer. These young women then had to assist the men with the pornographic websites.

At another library a social worker came in with a young boy that he was supposed to be counseling. The social worker would send the child to the kids' area while he would go to the adult computers, pull up pornographic web pages, and then call other children over to him to show them the images.

In another library a staff member complained to management that she was being sexually harassed by a patron using a computer. When management would not restrict viewing of pornography on library computers she had to quit her job because she refused to be subjected to sexually explicit images at her workplace.

A man came into one library to use a computer. He took out a flash drive and opened pictures of scantily clad women. His cell phone rang and into the phone he said, "I just

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stopped to get something to drink..." There were no drinks in the pictures he was looking at and he had been "getting something to drink" for 45 minutes. On several occasions when he comes in there are children present including children using the computers right next to the one he is using. Since he brought the pictures in on a flash drive and not from the internet library staff had a hard time determining how to tell him that he could not look at suggestive photos in the library. In this case the staff member was put in the awkward position of telling this man that he could not view images that, presumably, he owned.

These are not isolated incidents.

Library staff at one Alabama library had to intervene one day when they realized a known child predator had disappeared then noticed a child was missing from the kids' area. They stormed into the bathroom just as the predator was beginning to assault the child.

One Alabama library's men's room is a popular hangout for adult homosexual men who wish to have sexual encounters with strangers. Men routinely complain that they are approached while using the men's room.

San Francisco's main library is now paying people to monitor the bathrooms because of similar behavior problems.

Libraries are common locations for predators because one can linger all day and not be considered suspicious. A library is a perfectly respectable place to loiter. Child predators may be prohibited from hanging around schools and daycares but nothing is ever said about libraries. When management is then required to disable internet filters the problems just get worse.

Where are libraries to draw the line on the definition of bona fide research? Should we allow the use of the internet only for school assignments or work related projects? When a person goes to a cooking website to look up chili recipes that is bona fide research. When a fan looks up the schedule for their favorite sports team that is bona fide research. When a movie fan looks at photographs or watches video of a movie star they are conducting bona fide research. These people are pursuing topics of interest to them, therefore we have to call what they are doing bona fide research. When a person looks up pictures of a pornographic nature they also are pursuing topics of interest. In their opinion they are conducting bona fide research. Libraries have no way of restricting what adults look at online because we have no way of limiting what is bona fide research.

The rules about children's protection and the obscenity laws use phrases such as "community standards" and "prurient interests". In any community showing someone images of a nude or sexual nature is considered sexual harassment, therefore one would expect that viewing sexual images in a public setting, by community standards, is considered illegal. If it is illegal for a person to sit down at a university cafeteria and open personal photographs of themselves nude or in suggestive poses then it must also be

illegal to open the same photographs using a social networking website in a library. A picture or video that is inappropriate to be shown in a place of business must also be considered inappropriate in a library.

If an activity would qualify under the legal definitions for sexual harassment outside of a library then it must also qualify as sexual harassment inside a library.

Library staff are not only not interested in standing over patrons' shoulders to see what they are doing online but they just don't have time or staff to do so. Libraries rely entirely on the filtering software unless staff members see a webpage in passing or someone complains. It is not feasible for any library or school to completely monitor what is viewed using their equipment.

The child protection and E-Rate rules also do not cover such topics as what libraries are to do when a person brings the pornography with them. If the rules guarantee a person inside a library the right to view pornography online as bona fide research then they are also free to bring pornographic movies to watch on the same computer. If a person is permitted to look up a magazine's website then they must also be allowed to look at the exact same pictures in paper form. In either case a person strolling by would be involuntarily exposed to images of a nude or sexual nature and therefore would have a legitimate case for sexual harassment. Although patrons certainly have the right to leave the premises when a person pulls up such images or videos, library staff do not. If they want to continue earning a paycheck then they have to stay at their post potentially forcing them to be exposed to images of a nude or sexual nature.

One might say that the library is the only place a person may be able to access a computer therefore by restricting access we censor their reading. This is as ludicrous as saying that if a library carries any magazine then they must also carry pornographic magazines, that if we have one book then we must have all books. During a discussion about this issue one librarian gave the example that "we don't carry Russian poetry from the 14th century either but that doesn't make us censors".

As it is worded now the child protection and obscenity laws put library staff in the potentially dangerous position of having to split hairs risking physical confrontations, which most staff are reluctant to do, and lawsuits, which most management and library boards are, highly, reluctant to do. Library staff can lose their jobs for telling someone to leave if that person's actions are determined to have been legal which they are according to the current bona fide research terminology. Staff are reluctant to confront patrons viewing pornography without the assurance that they will be backed up by management. Library staff are often subjected to angry outbursts by patrons who feel they may do anything they wish in a library since it is a public service. Staff members are worried that outbursts can quickly lead to violence as it recently did in a Houston library. This means other patrons are basically on their own. Small libraries cannot afford an off duty police officer who can enforce drawing the line on bona fide research. Libraries and schools need a policy on viewing pornography on their premises that protects staff members and patrons of any age.

As I read over the laws again I note that it doesn't even specify whether staff can refuse to disable the filter when the computer screen is in view of children only that child access must be filtered and monitored. The requirements also do not define the term adult. Is a fifteen year old an adult who may demand that the filters be disabled? Are library staff supposed to ask for I.D. to verify age? Requiring such measures of library employees is burdensome and very difficult to enforce. The computers are not under lock and key. Anyone can sit down at a computer at any time.

To allow pornography in libraries some try to use the argument of artistic expression. There is a distinct difference between books that feature paintings of nude models and pornography. Obscenity laws say "of an artistic nature" but again don't describe what is art and what is not. Adding the term pornography gives libraries the power to delineate between the two. Paintings known worldwide by the Dutch masters would be art while this month's centerfold would, clearly, not be art.

These rules need language that is explicit enough that any reasonable person reading the rules would be able to adequately separate what would and would not be permissible. Few could make a case that an art book left open to a famous sculpture would qualify as sexual harassment but any person can claim that unwillingly being exposed to pornography is sexual harassment.

One argument is that limiting internet access would be "potentially chilling" for speech but if it is not chilling for speech to restrict a person from flopping open a pornographic magazine in full view of other customers and staff in a restaurant then it cannot be chilling for speech to restrict the same behavior in a library.

The E-rate and child protection rules do not place a time limit on how far compliance reaches into the future. If a library sees a problem with disabling the filters and elects to no longer accept federal funds to purchase internet service or computer equipment how long after that fiscal year is the institution bound by those rules? Forever? One year after the end of the fiscal year? Two? Is the institution released from compliance on the first day of the next fiscal year? When I asked LSTA consultants at the state library they did not have an answer except to say "that if your library was audited" - and then they left it hanging for my interpretation. If even state library representatives who go to extensive training courses involving the use of federal and E-rate funds don't know then how can library or school boards? We need definitive answers on how long an institution is bound by these laws and regulations if they have accepted federal funds for internet or computer equipment during a given fiscal year.

Libraries and citizens need the protection of concise, easy to interpret language. Please revise the current language to include statements such as this suggestion:

"Due to the significant risk of sexual harassment images or video and sound of a pornographic nature are either to be prohibited from a library or school or the institution must have easy to see and read signage at every point of entry, on web pages, in job

descriptions, and in literature that clearly explains the internet policies and that images of a sexual nature might be present so that patrons, staff, students, and teachers will have adequate warning and thereby give informed consent to be exposed to images or video and sound of a pornographic nature while on school or library premises."

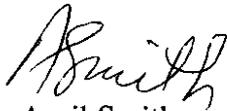
Such language would allow a person to choose another library or school or even appeal to the library board or school board for a review of the internet policies thereby applying community standards. As the rules read now schools and libraries are not required to warn potential victims that they are potentially being targeted by sexual predators. The rule does not require notification to taxpayers or tuition-payers that their money is being used to pay for equipment and services to access images and video that might be used to commit sexual harassment.

No one can accuse a library browser of having given consent to view sexually explicit images by virtue of wanting a good book to read. One cannot assume that a library user gave consent when they came in to use library resources for a homework assignment. Wanting to review back issues of a newspaper to locate an obituary surely cannot constitute consent to be exposed to pornography.

Please revise the language of the rules to protect staff, patrons, and students in schools and libraries from sexual harassment.

Thank you for the opportunity to voice concerns and issues that libraries regularly face with regard to these rules and regulations.

Sincerely,



April Smith