

Currently, all but a few Illinois public elementary and secondary public schools, as a condition of receipt of federal e-rate funding, have censorware (filtering software) on all computers. HB 2889 bans all Illinois school boards that accept even a dime of state funds from using state money for Internet access unless the school board has a censorware mandate policy to ensure the impossible -that clumsy censorware filters block only “visual depictions” that are “harmful to minors”, obscenity or child porn; includes a provision that allows a student to request unblocked access for a bona fide research or other lawful purpose.

Imprecision is a problem intrinsic to filtering technology. No filter can make the legal judgments required by the federal Child Internet Protection Act (CIPA) or similarly required in HB 2889. The widespread use of filters presents a serious threat to our most fundamental free expression values. Despite improved technology and effectiveness in blocking some pornographic content, studies show that filters are still seriously flawed, blocking students from many thousands of valuable Web pages; filters set to block visual depictions commonly block entire Web pages.

Consumer Reports, in a 2005 article, entitled: “Filtering Software: Better, But Still Fallible” found, as they had in 2001, that the best filters were heavy-handed against sites about health issues, sex education, civil rights and politics. The report concluded that filters impede older children doing research for school reports, citing seven of the 11 filters tested that block the entire page of a Google or Yahoo search if some links have objectionable words in them. AOL blocked NewsMax, a conservative political site, and Operation Truth, an advocacy site for veterans of the Iraq war.

A 2003 study by the Electronic Frontier Foundation /Online Policy Group Study, entitled: “Internet Blocking in Public Schools: A Study on Internet Access in Educational Institutions” tested the two most popular school filters –Bess and Surf Control. Bess wrongly blocked: Poetry-making and Policy-making (miscategorized as “pornography”) and Abraham Lincoln Inaugural Address (miscategorized as “recreation/entertainment”). Surf Control wrongly blocked: History, Science and Consequences of the Atomic Bomb (miscategorized as “weapons”), and Responding to Arguments Against Comprehensive Sexuality Education and Oral Contraceptive Pill (both categorized correctly as sex education, but inappropriately filtered because they had no visual depictions that would require blocking under the CIPA.)¹

Filters often engage in viewpoint discrimination regarding Lesbian, Gay, Bisexual and Transgendered (LGBT) issues, blocking pro-LGBT websites and allowing access to anti-LGBT sites, in violation of the First Amendment.

An ongoing National ACLU campaign called “don’t filter me” seeks to stop unconstitutional web-filtering of LGBT content in schools .See <http://www.aclu.org/lgbt-rights/aclu-demands-schools-stop-unconstitutional-web-filtering-lgbt-content> . Censorware filters also violate the Equal Access Act, which requires equal access to school resources for all extracurricular clubs, including gay-straight alliances and LGBT support groups. For example, a public high school in Rochester, Michigan blocks access to LGBT student resource websites www.gsanetwork.org and www.daysofsilence.org, but allows students to view sites for Parents and Friends of Ex-Gays and People Can Change. See: <http://www.aclu.org/free-speech-lgbt-rights/dont-filter-me-letter-rochester-community-schools> See also <http://www.aclu.org/lgbt-rights-hiv-aids/aclu-sues-stop-tennessee-schools-censoring-gay-educational-web-sites>

HB 2889 worsens the censorship status quo for public school students, since any school that rejects federal e-rate funds in the future will be required to continuing censoring with filters per HB 2889.

¹ Internet Filters, A Public Policy Report by Marjorie Heins, Christina Cho and Ariel Feldman, Brennan Center for Justice at NY School of Law 2006, p.66-69.



**Vote No -HB 2889
Rep. Mussman**

Oppose Public school censorware (filtering) mandate



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