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School District Told to Replace Web Filter Blocking Pro-Gay Sites

CAMDENTON, Mo. ? Students using the computers at Camdenton High School here in central Missouri have been able to access the Web sites for Exodus International, as well as People Can Change, antigay organizations that counsel men and women on how to become heterosexual.

But the students have not been able to access the Web sites of the Gay and Lesbian Alliance Against Defamation, or the Gay-Straight Alliance Network.

They have been able to read Bowers v. Hardwick, the 1986 Supreme Court ruling that upheld a Georgia statute criminalizing sodomy. But they have been blocked from reading Lawrence v. Texas, the 2003 Supreme Court ruling that held that laws criminalizing sodomy were unconstitutional.

They have been given access to scores of antigay sites, but not to those supportive of gay people.
A clear-cut case of censorship?

Actually, not so clear.

It does not appear that the school superintendent or the librarians or board members or the district Web master made these decisions.

Instead, the district?s Web filter determined which sites would be open to students and which would be blocked. Since the passage of the Children?s Internet Protection Act in 2000, public schools have been required to use Internet filters that shield students from pornography and obscenity.

As for who developed this particular filter, which along with blocking obscenity also discriminates against content supportive of gay people, that person?s identity is hidden behind URLBlacklist, a company that sells filter software to schools.

?These filters are a new version of book-banning or pulling books off the shelf,? said Pat Scales

of the American Library Association. ?The difference is, this is much more subtle and harder to identify.?
Over the last year, the American Civil Liberties Union has asked officials from hundreds of school districts around the country to make changes in their Internet screening systems to eliminate bias, said Anthony Rothert, a civil liberties lawyer based in St. Louis.

All have agreed to, he said, except Camdenton, which the A.C.L.U. sued last summer.
The lawsuit ? believed to be the first of its kind ? does not claim that this rural district of 4,200 students purchased the software with the intent of discriminating. Rather, it says, once there were complaints about the filter last year, school officials refused to replace it. An investigator for the A.C.L.U. has been able to figure out how the filter works, but not who developed it.

This is known: The creator goes by ?Dr. Guardian? and lives in Fareham, England, in a house that, according to a Google Maps image, has children?s bicycles in the front yard.

?Some person, nameless and faceless, working out of his house in the United Kingdom, winds up determining what information students inv Camdenton will have access to,? said David Hinkle, an expert on software filters with the A.C.L.U.

Camdenton officials say that any student who wants access to a pro-gay site that is blocked by the URLBlacklist filter can appeal to the district?s Web master. They point out that last May, when the A.C.L.U. sent a letter of complaint identifying four pro-gay sites that students did not have access to, the district unblocked them.

?We do not discriminate against gay people or anyone else,? Tim Hadfield, the superintendent, said in an interview.

In a hearing in federal court in October, Thomas Mickes, the lawyer for the Camdenton school district told the judge, ?Just because the A.C.L.U. or some other liberal group says, ?Hey, you know, I don?t like what you?re doing, you?ve got to change that,? and if we don?t change it, then somehow we?re showing discrimination, that?s not the law. That would be crazy.?

A photo on a local conservative club?s Web site shows a single-engine plane flying over the area with a banner that reads, ?Thank you Camdenton ? Get Lost A.C.L.U.?

Last month, Nanette K. Laughrey, a United States district judge in Jefferson City, Mo., issued a preliminary injunction ordering Camdenton to discontinue ?its Internet filter system as currently configured.? She wrote that ?any new system selected must not discriminate against Web sites expressing a positive viewpoint toward LGBT individuals.?

The judge noted that a girl who had complained to the A.C.L.U. ? identified only as Jane Doe in the lawsuit ? was afraid to ask school officials to have sites unblocked because it would ?draw attention to her and make her the subject of further taunting.?

The A.C.L.U. identified 41 Web sites supportive of gay people that were blocked by URLBlacklist, and then tested those 41 sites on five other Internet filters.

None of the 41 were blocked by the five other filters tested.

In traditional school censorship cases, civil liberties lawyers have relied on professional librarians as expert witnesses. For this case they found Mr. Hinkle, of Davenport, Iowa. He has no college degree, but in 1999, at the age of 20, he developed an Internet filter now used by more than 1,000 school districts.

The civil liberties lawyers spent weeks looking for someone who would be able to explain in plain English how an Internet filter could be configured to discriminate. ?We found experts who understood the technology, but we didn?t know what they were talking about,? Mr. Rothert said. ?David was able to explain so we could understand, and if we could understand him, a judge could.?

The way it worked: the URLBlacklist filter classified gay organizations in the ?sexuality? category. The sexuality filter also screened out pornography. As a result, when URLBlacklist filtered pornography, it also filtered Web sites supportive of gay causes.

On the other hand, antigay Web sites were typically classified under ?religion? or not categorized at all and so were allowed through the filter.

Evangelicals Concerned, a religious support group for gay people, was classified as sexuality and blocked; the Christian Coalition, a leading opponent of gay marriage, was considered religion and permitted. The 2003 Supreme Court ruling was included on a pro-gay list and blocked; the 1986 antigay ruling was not categorized and allowed through.

Judge Laughrey noted that the URLBlacklist filter was even bad at doing its primary, legal job: blocking pornography. Tested on its ability to recognize 500 sexually explicit sites, it missed 30 percent of them. CIPAFilter, one of the leaders in the field, missed 3 percent.

The judge concluded that the only reason she could see for continuing to use an ?ineffective? product ?falling below professional standards? was a desire to discriminate.

I sent an e-mail to URLBlacklist seeking comment but did not receive a response.

When I asked the superintendent if gay students felt comfortable about being open at Camdenton High School, he said that three different students in the last few years had approached administrators about forming a Gay-Straight Alliance club. ?It was never established,? Mr. Hadfield said. ?But they?d have the same opportunity as any other student organization.?

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News Article
http://www.nytimes.com/2012/03/26/education/missouri-school-... [1]
New York Times
Michael Winerip

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[1] http://www.nytimes.com/2012/03/26/education/missouri-school-district-questioned-over-anti-gay-web-filter.html