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May 31, 2011

Thomas A. Mickes
Mickes, Goldman, O'Toole, LLC
555 Maryville University Drive
240
St. Louis, Missouri 63141

Re: Censorship by Camdenton R-III School District

By First Class Mail and Facsimile to (314) 878-5607

Dear Mr. Mickes,

We have received your response to my May 24, 2011 letter to Tim Hadfield. We asked the superintendent "to indicate whether you intend to deactivate the 'sexuality' filter and restore students' access to the websites for GSA Network, GLSEN, Day of Silence, The Trevor Project, and similar LGBT-related resources." You failed to do so.

A school district may filter web-content that is sexually explicit or sex-related, but simply naming a filter "sexuality" does not mean that the filter is actually designed to filter out sexually explicit or sex-related content. The "sexuality" filter used by Camdenton R-III blocks access to websites that are not sexually explicit in any way, including Day of Silence, The Trevor Project, GSA Network, and GLSEN. Your letter provides absolutely no explanation for why it is appropriate to block these websites or include them in a filter called "sexuality." Indeed, these websites have been classified by other filtering companies as "G" rated and appropriate for all age groups. It therefore appears that the "sexuality" filter blocks all websites related to LGBT-people regardless of whether those websites are sexually explicit. That viewpoint discrimination violates the First Amendment and students' rights under the Equal Access Act.

You will note that our letter said the database being used by Camdenton R-III "appears" to be the one provided by the company "URL Blacklist."

Whether the filtering database used by Camdenton R-III was obtained from URL Blacklist or another source, we are confident that underlying content of the database is the same as the one referenced in our letter. Please provide us with information about what database Camdenton R-III currently uses to categorize websites, from what source the school district obtained the database, the definitions for each filter category in that database, and a list of the websites categorized as "sexuality." The information provided in response to these requests will reveal whether, as we suspect, the "sexuality" filter used by Camdenton R-III targets all LGBT-related content regardless of whether that content is actually sexually explicit. Because you wish further communications to be addressed to you, we are directing this request for records to you even though it is a request for records under the Sunshine Law. If you do not provide this information within three working days, then we will assume you prefer us to make a formal Sunshine Law request directly to the custodian of records.

Finally, your letter contains your perennial assertion that our letter contains false assumptions. You fail to identify what those false assumptions might be. Please do so at your earliest convenience. Aside from stating that the filter categories were not obtained by URL Blacklist, your letter provides no information to rebut the specific examples of viewpoint discrimination we highlighted in our letter.

We emphasize that Camdenton R-III's viewpoint-based censorship of non-sexual LGBT-related websites is completely unnecessary. Camdenton R-III can choose from many other filtering databases that block sexually explicit content without discriminating against non-sexual LGBT-related websites. We urge you to respond to this issue now instead of leaving your client exposed to liability, including the costs and expense of litigation. Please provide us with a response telling us whether Camdenton R-III intends to deactivate the "sexuality" filter and restore students' access to the websites for GSA Network, GLSEN, Day of Silence, The Trevor Project, and similar LGBT-related resources, or not, by June 6, 2011.

Sincerely,



Anthony E. Rothert
Legal Director

TRANSACTION REPORT

MAY/31/2011/TUE 04:08 PM

FAX(TX)

#	DATE	START T.	RECEIVER	COM.TIME	PAGE	TYPE/NOTE	FILE
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