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**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF ALASKA**

**AMERICAN BOOKSELLERS FOUNDATION FOR FREE  
EXPRESSION; AMERICAN CIVIL LIBERTIES UNION  
OF ALASKA; ASSOCIATION OF AMERICAN  
PUBLISHERS, INC.; COMIC BOOK LEGAL DEFENSE  
FUND; ENTERTAINMENT MERCHANTS  
ASSOCIATION; FREEDOM TO READ FOUNDATION;  
DAVID & MELISSA LLC d/b/a Fireside Books; BOOK  
BLIZZARD LLC d/b/a Title Wave Books; BOSCO'S, INC.;  
DONALD R. DOUGLAS d/b/a Don Douglas Photography;  
and ALASKA LIBRARY ASSOCIATION,**

**Plaintiffs,**

**v.**

**DANIEL S. SULLIVAN, in his official capacity as  
ATTORNEY GENERAL OF THE STATE OF ALASKA,**

**Defendant.**

**Civil No. 3:10-cv-00193-RRB**

**DECLARATION OF DONALD R. DOUGLAS**

**UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA**

**AMERICAN BOOKSELLERS FOUNDATION FOR FREE  
EXPRESSION; AMERICAN CIVIL LIBERTIES UNION  
OF ALASKA; ASSOCIATION OF AMERICAN  
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DONALD R. DOUGLAS d/b/a Don Douglas Photography;  
and ALASKA LIBRARY ASSOCIATION,**

**Plaintiffs,**

**v.**

**DANIEL S. SULLIVAN, in his official capacity as  
ATTORNEY GENERAL OF THE STATE OF ALASKA,**

**Defendant.**

Civil No.

**DECLARATION OF DONALD R. DOUGLAS**

I, Donald R. Douglas, do declare:

1. I am a photographer specializing in custom portraiture, wedding, commercial and fine art photography. I am a sole proprietor doing business as Don Douglas Photography. My principle place of business is Juneau, Alaska, where I operate a full-service photographic studio. I submit this declaration on my own behalf and on behalf of my customers and the users of my website, in support of the plaintiffs' request for a declaration of unconstitutionality and preliminary and permanent injunctive relief prohibiting enforcement of AS 11.61.128 as amended by SB 222 (the "Amended Act"), and as prior to amendment (the "Prior Act").

2. I offer my services and show examples of my photography on and through my website, [www.dondouglasphotography.com](http://www.dondouglasphotography.com).

3. I offer a variety of photographic services to the public, including “Weddings,” “High School Seniors,” “Family and Individual Portraiture,” “Personal Portraiture,” “Commercial,” and “Fine Art Prints.” Among my offerings to clients of “personal portraiture,” I offer “maternity portraiture” photographs. As described on my website, these portraits are “a means of artistically capturing either a tender and intimate moment in your relationship with the new person to whom you have given birth, or the maternal, feminine beauty of a woman shortly before birthing.” The maternity portraits are “generally made as nude or semi-nude expressions, celebrating a shortly expectant woman’s round, maternal beauty.” Images of such portraits may be accessed through a link on my website. Some persons may consider such photographs to be “harmful to minors.”

#### **FEAR OF PROSECUTION UNDER THE AMENDED ACT**

4. I fear prosecution under the Amended Act because I display on my website material that may be considered by some to be “harmful to minors.” This material may be accessed by minors who browse my website.

5. A significant portion of my website is dedicated to showcasing photographic works. As described above, some of these works may contain nudity, making their appearance on the Web subject to the Amended Act.

6. In order to ensure that I do not make any material that is “harmful to minors” available to a minor on my generally-accessible website, I would be forced to screen my website, eliminating any matter that might fall into this category. Because the Amended Act is vague as to what constitutes “harmful to minors” matter, and what is harmful to a 15 year old is different than what is harmful to an 11 year old, the I would be forced to self-censor its material at the lowest end of the age range.

7. I have the same concerns as to my website, only more so, were the Amended Act enjoined and the Prior Act, of which I was previously unaware, reinstated. The Prior Act does not consider the material taken as a whole and applies to material having serious value to minors.

8. I aim to provide my clients with the means to express themselves through photography. I rely on my website and the Internet in general to advertise my services and display my work to potential clients. If the Amended Act and the Prior Act are not enjoined, I will likely to suffer decreased business, as I will no longer be able to effectively rely on my website to advertise and display examples of the full range of my services. I will be forced to self-censor my own works on my website where those works contain sexual themes or depict nudity.

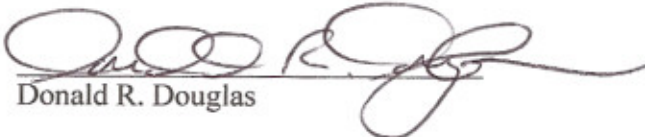
#### CONCLUSION

9. If the Amended Act and the Prior Act are not enjoined and declared unconstitutional, I, my customers, and the users of my website will be irreparably harmed. I will be forced either to limit the content available on my Website or risk criminal liability.

I declare under penalty of perjury that the above is true and correct to the best of my knowledge.

Executed on this 27  
day of August, 2010.

10415373

  
Donald R. Douglas