

HARDY MYERS
Attorney General
KATHERINE G. GEORGES #84231
Senior Assistant Attorney General
MICHAEL A. CASPER #062000
Assistant Attorney General
Department of Justice
1162 Court Street NE
Salem, OR 97301-4096
Telephone: (503) 947-4700
Fax: (503) 947-4793
Email: katherine.georges@doj.state.or.us
michael.casper@doj.state.or.us

Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

POWELL'S BOOKS, INC., et al.,

Plaintiffs,

v.

HARDY MYERS, in his official capacity as
ATTORNEY GENERAL OF THE STATE
OF OREGON, et al.,

Defendants.

Case No. 08-501-MO

DECLARATION OF MICHAEL A. CASPER

I, Michael A. Casper, declare as follows:

1. I am an Assistant Attorney General with the Oregon Department of Justice and an attorney for defendants in this action. I make this declaration from personal knowledge.
2. Attached hereto as Exhibit 1 is a true copy of 2007 Oregon Revised Statutes sections 167.051, 167.054, and 167.057.

3. Attached hereto as Exhibit 2 is a true copy of Appendix A to the Opinion of the Court in *Ginsberg v. New York*, 390 U.S. 629, 645 (1968), setting forth the text of New York Penal Law 484-h as enacted by L. 1965, c. 327.

4. Attached hereto as Exhibit 3 is a true copy of the Commentary to the 1971 Proposed Oregon Criminal Code Revisions, § 259.

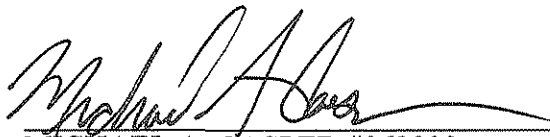
5. Attached hereto as Exhibit 4 is a true copy of a transcript of the Public Hearing on HB 2843 before the House Judiciary Committee that took place on April 6, 2007. The transcript was prepared by Sharon Knudsen, court transcriber, from official tape recordings of the hearing.

6. Attached hereto as Exhibit 5 is a true copy of a transcript of the Public Hearing on HB 2843 before the Joint Ways and Means Committee that took place on June 15, 2007. The transcript was prepared by Sharon Knudsen, court transcriber, from official tape recordings of the hearing.

7. Attached hereto as Exhibit 6 is a true copy of the slip opinion in *United States v. Williams*, 553 U.S. ____ (2008) (May 19, 2008).

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED this 2 day of June, 2008.


MICHAEL A. CASPER #062000
Assistant Attorney General

CERTIFICATE OF SERVICE

I certify that on June 2, 2008, I served the foregoing DECLARATION OF MICHAEL A. CASPER upon the parties hereto by the method indicated below, and addressed to the following:

P.K. Runkles-Pearson
STOEL RIVES LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204

- HAND DELIVERY
- MAIL DELIVERY
- OVERNIGHT MAIL
- TELECOPY (FAX)
- E-MAIL
- E-FILE

Michael A. Bamberger
Rachel G. Balaban
SONNENSCHN NATH & ROSENTHAL LLP
1221 Avenue of the Americas, 24th Floor
New York, NY 10020

- HAND DELIVERY
- MAIL DELIVERY
- OVERNIGHT MAIL
- TELECOPY (FAX)
- E-MAIL
- E-FILE



KATHERINE G. GEORGES #84231
Senior Assistant Attorney General
MICHAEL A. CASPER #06200
Assistant Attorney General
Special Litigation Unit
Trial Attorneys
kate.georges@doj.state.or.us
michael.casper@doj.state.or.us
Of Attorneys for Defendants