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UNITED STATES DISTRICT COURT
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.

Civil No. CV 08-0501-MO

DECLARATION OF DR. RICHARD S.
COLMAN IN SUPPORT OF PLAINTIFFS'
REQUEST FOR DECLARATION OF
UNCONSTITUTIONALITY AND
PERMANENT INJUNCTION

I, Richard Colman, declare under penalty of perjury:

1. I am an individual currently residing in the State of Oregon, and I am over the age of 18. I have personal knowledge of the facts and statements contained in this declaration.

2. I have been a licensed psychologist in the state of Oregon for over 20 years. I hold a Bachelor of Arts in psychology from the University of California, Los Angeles, and a masters degree in psychology and a doctorate in developmental psychology from the University of Oregon.

3. I have extensive professional experience working as a psychologist with children and adolescents, including work with Portland Public Schools and other educational institutions. I have treated many emotionally disturbed and abused children.

4. I have taught classes in child psychology at Portland State University, Lewis and Clark College, and the University of Oregon. I have presented workshops and given addresses and presentations on child development and sexual abuse to many local agencies and institutions, including Portland Public Schools, Oregon City Schools, Oregon Episcopal School, Vancouver School for the Deaf, Cedar Hills Hospital, Edgefield Treatment Center, Mittleman Jewish Community Center School, Parkrose School District, and Head Start programs in Oregon and Washington, as well as educational associations and groups of social workers and psychologists.

5. I have been a member of the Society for Research in Child Development, the Oregon Psychological Association, and the American Psychological Association for more than 25 years.

6. My experience and training allows me to render a qualified opinion about what constitutes a child's normal and healthy interest in sex, and what constitutes an unhealthy or damaging interest.

7. Children (people under age 13) are naturally curious and inquisitive and will seek information related to sex from whatever sources are available to them (e.g., books, magazines, internet, other children or teenagers).

8. Many children do not have access to information about sex through traditional institutional channels. Not all schools have sex education programs, and those that do may offer it in a limited format. A majority of parents do not openly educate their children about sex or discuss sex because of fear, embarrassment or lack of accurate information.

9. Children often do not have access to information about sex at a time in their development when it is most effective. Children have questions regarding sex and conception both before and during puberty. This is normal inquisitiveness and is part of the healthy development of an average child.

10. In the ordinary instance, it is normal, healthy, and not psychologically damaging for children to access visual or textual materials that help them to understand human anatomy, intercourse, masturbation, and other sexual behaviors. Materials that serve that purpose need not be limited to traditional "sex education" materials and may include materials not originally designed for children. Developmentally disabled children often require explicit and graphic materials to understand sex since their ability to understand verbal explanations is limited.

11. Children look to someone with whom they are comfortable to ask questions and to obtain information to satisfy their curiosity about sex. They often seek information from older children or teenagers (siblings, cousins, or neighborhood or school friends) whom they trust and with whom they feel comfortable.

12. It is common for children and teenagers to share the information they have with other children and teenagers. When sharing this information they do not always make judgments about the age of the other children. Children often associate with children and

teenagers of different ages, especially in neighborhoods or in families with multiple children and/or teenagers.

Executed this 30th day of July, 2008, at Portland, Oregon.



RICHARD S. COLMAN