

The Honorable Edward F. Shea

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

SARAH BRADBURN, PEARL)
CHERRINGTON, CHARLES)
HEINLEN, and THE SECOND) NO. CV-06-327-EFS
AMENDMENT FOUNDATION,)
) DECLARATION OF BARBARA
Plaintiffs,) WALTERS
)
v.)
)
NORTH CENTRAL REGIONAL)
LIBRARY DISTRICT,)
)
Defendant.)

I, Barbara Walters, declare as follows:

DECLARATION OF BARBARA
WALTERS - 1
CV-06-327-EFS
#657876 v1 / 42703-001

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1 1. I am over the age of 18 and competent to testify to the matters set
2 forth herein.

3
4 2. I am currently employed by North Central Regional Library as the
5 Information Technology Manager.

6
7 3. NCRL purchased its original Internet filter in December 2000.

8 4. The original filter was referred to as "BESS."

9
10 5. Washington State Library statistics for 2005, indicate that 16 out of
11 47 library systems with filters reported they were using a form of BESS, or 34%.

12 (Attached as **Ex. A** is a true and correct copy of the above-referenced statistics.)

13
14 6. BESS was the operative filter at the time of the incidents giving rise
15 to the current litigation.

16
17 7. In October 2006, BESS was replaced with a new filter called
18 Fortiguard, which is manufactured by Fortinet.

19
20 8. The replacement was part of a global upgrade to the computer
21 cataloguing system and Wide Area Network (WAN). Fortinet's Fortiguard Web
22 Filtering technology allows NCRL to control access to Internet content via
23 banned word lists, URL block lists, URL exemption lists, web threat blocks such
24 as spam URL'S, and category blocks such as pornography. Before the switch to
25 Fortiguard, NCRL did not have control over making filter changes. With
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1 Fortiguard and the Fortinet Fortimanager, changes to the filter happen
2 simultaneously at all NCRL branches.
3

4 8. The following categories are blocked under NCRL's current
5 filtering profile: (1) hacking; (2) proxy avoidance; (3) phishing; (4) malware; (5)
6 spyware; (6) gambling; (7) adult materials; (8) nudity/risqué; (9) pornography;
7 (10) webchat; (11) instant messaging. The following classifications are also
8 blocked: image search, video search; and spam URL. (Attached as **Ex. B** is an
9 NCRL document detailing our current filtering profile.)
10
11

12 9. The above-referenced categories and classifications are defined by
13 Fortinet as follows:
14

- 15 • **Hacking** - Website that depict illicit activities surrounding the
16 unauthorized modification or access to programs, computers,
17 equipment and websites;
- 18 • **Proxy Avoidance** – Websites that provide information or tools on
19 how to bypass Internet access controls and browse the Web
20 anonymously, includes anonymous proxy servers
- 21 • **Phishing**- Counterfeit web pages that duplicate legitimate business
22 web pages for the purpose of eliciting financial, personal or other
23 private information from the users
- 24 • **Malware** – Sites that are infected with destructive or malicious
25 software, specifically designed to damage, disrupt, attack or
26 manipulate computer systems without the user's consent, such as a
27 virus or Trojan horse.
- 28 • **Spyware** – Sites that host software that is covertly downloaded to a
user's machine to collect information and monitor user activity,
including spyware, adware, etc.

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- 1 • **Gambling** – Site that cater to gambling activities such as betting,
2 lotteries, casinos, including gaming information, instruction and
3 statistics.
- 4 • **Adult Materials** – Mature content websites (18+ and over) that
5 feature or promote sexuality, strip clubs, sex shops, etc....excluding
6 sex education, content without the intent to sexually arouse.
- 7 • **Nudity/Risque** – Mature content websites (18+ and over) that
8 depict the human body in full or partial nudity without the intent to
9 sexually arouse.
- 10 • **Pornography** – Mature content websites (18+ or older) which
11 present or display sexual acts with the intent to sexually arouse and
12 excite.
- 13 • **Webchat** – Websites that promote Web chat services.
- 14 • **Instant Messaging** – Websites that allow users to communicate in
15 “real-time” over the Internet.
- 16 • **Image Search** –Website providing search of images or photos or
17 the result of image or photo searaches
- 18 • **Video Search** – Websites providing search of video clips or the
19 result of video searches.
- 20 • **Spam URL** – Websites or webpages whose URLs are found in
21 spam emails. These web pages often advertise sex sites, single
22 clubs and other potentially nuisance or offensive materials.

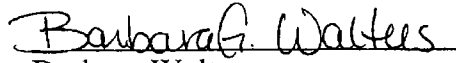
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28 (Attached as **Ex. C** is a true and correct copy of the category and
classification definitions as supplied by Fortinet.)

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1 I declare under penalty of perjury under the laws of the United States of
2 America that the foregoing is true and correct.

3
4 Dated this 4 day of ~~January~~^{February}, 2008 at Wenatchee, Washington.

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6 
7 Barbara Walters

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28 DECLARATION OF BARBARA

WALTERS - 5

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 4, 2008, I electronically filed the foregoing with the Clerk of the Court
3 using the CM/ECF system which will send notification of such filing to the persons listed below:

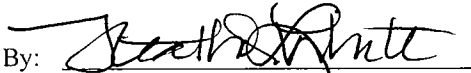
4 Duncan Manville
5 1629 2nd Ave. W
6 Seattle, WA 98119

Aaron Caplan
ACLU of Washington
705 Second Ave., Ste. 300
Seattle, WA 98103

6 Notice has been delivered by U.S. Mail to:

7 Catherine Crump
8 American Civil Liberties Union
9 Foundation
10 125 Broad Street, 17th Floor
11 New York, NY 10004

11 KARR TUTTLE CAMPBELL

12
13 By: 
14 Heather L. White
15 hwhite@karrtuttle.com

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27
28 **DECLARATION OF BARBARA**

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