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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SARAH BRADBURN, PEARL
CHERRINGTON, CHARLES HEINLEN,
and the SECOND AMENDMENT
FOUNDATION,

Plaintiffs,

v.

NORTH CENTRAL REGIONAL LIBRARY
DISTRICT,

Defendant.

No. CV-06-327-EFS

**DECLARATION OF BENNETT
HASELTON IN OPPOSITION TO
DEFENDANT’S MOTION FOR
SUMMARY JUDGMENT**

I, Bennett Haselton, declare as follows:

1. I am over the age of 18 and competent to testify to the matters stated herein. I make this declaration on personal knowledge.

2. I am the CEO of Peacefire, Inc., a company created in 1996 to represent the interests of people under 18 in the debate over freedom of speech on the Internet. Peacefire currently has over 7,000 members.

3. I am also a freelance computer programmer. For the last nine years I have worked as an independent computer security consultant. In that capacity I have analyzed numerous software programs and computer setup plans for security holes. My work often entails determining whether any particular feature of a program or network poses a genuine

1 security risk. Over the years my clients have included Anonymizer, Inc., Google, Adobe,
2 Netscape/AOL and E-Gold. From 2000 to 2006 I worked as a contract employee at
3 Microsoft, Inc., where I was directly employed by Volt, Inc. My work at Microsoft included
4 performing software testing and security testing on various software products, including
5 Microsoft Operations Manager, MSN and Internet Explorer. A true and correct copy of my
6 resume is attached hereto as Exhibit A.

7 4. I have reviewed Defendant North Central Library District's Motion for
8 Summary Judgment ("Defendant's Motion for Summary Judgment"), Defendant North
9 Central Regional Library District's Statement of Facts In Support of Motion for Summary
10 Judgment, and the Declaration of Dean Marney. Defendant's Motion for Summary Judgment
11 states that the Fortinet filtering categories Hacking, Proxy Avoidance, Phishing, Malware and
12 Spyware are blocked because allowing access to Web sites in these categories "could damage
13 the very network which makes such sites available," and that Web Chat is blocked because of
14 the risk of "software-borne viruses or other malfunctions associated with such software." The
15 Declaration of Dean Marney states that pages in these categories contain "information that
16 could dismantle NCRL's entire computer network." These statements are technically
17 inaccurate for the reasons discussed below.

18 5. "Phishing" Web sites imitate well-known sites such as Bank of America and
19 attempt to trick users into entering personal information and passwords. It is the computer
20 user's responsibility to verify a site's identity before entering personal information, and the
21 risks associated with "Phishing" sites are assumed only by the user. The viewing of such sites
22 poses no security risks to NCRL's computers or network.

23 6. Regarding "Hacking" Web sites, there are two reasons why there is no security
24 benefit associated with blocking these sites in the library. First, many sites classified by
25 Fortinet as "Hacking" sites (such as <http://www.happyhacker.org/>) provide defensive
26 information to users about how to guard against hacking. Second, even in the event that a site

1 did provide instructions for hacking activities that could be used to harm NCRL computers, a
2 malicious library patron could just as easily access those instructions from an unfiltered
3 computer (either at home or at another location such as an Internet café), then go to the library
4 to carry them out. The sites themselves pose no intrinsic security threat to the library, and the
5 library gains nothing by blocking them on its computers.

6 7. Regarding sites blocked as “Malware” or “Spyware,” such sites often
7 encourage computer users to download and install software that could pose a security risk if
8 installed on the user’s computer. But computers (including library computers) can be
9 configured with common desktop security software (not filtering software) that limits the
10 changes users can make to the computer. Installing such security software will prevent users
11 from downloading and installing any software (whether malicious or not), rendering the
12 blocking of “Malware” and “Spyware” sites unnecessary. It bears noting that if the library
13 were not using desktop security software, a computer user would be able to install malicious
14 software by downloading it from, for example, his or her own personal Web site or by
15 uploading it from a disk brought into the library, and the blocking of “Malware” and
16 “Spyware” sites would again be rendered moot.

17 8. NCRL states that the “Web Chat” category is blocked because of the risk of
18 “software-borne viruses or other malfunctions associated with such software.” First, as noted
19 above, if the library’s computers are properly configured with desktop control software, users
20 will be unable to download chat software anyway, and will be limited to using chat sites for
21 Web-based chat (which does not require downloading and installing programs). Second, even
22 in the event that users were able to download chat software, such software is published by
23 reputable companies such as Yahoo and America Online and the chance of it being infected
24 with a virus is essentially zero. Virus infections are caused by running programs from
25 untrusted third-party sources, not by running programs published by Yahoo, AOL or other
26 similar entities.

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 25, 2008, I electronically filed the foregoing
3 document with the Clerk of Court using the CM/ECF system, which will send notification of
4 such filing to the persons listed below:

5 Thomas D. Adams
6 Celeste Mountain Monroe
7 KARR TUTTLE CAMPBELL
8 1201 Third Avenue, Suite 2900
9 Seattle, WA 98101

Attorneys for Defendant

DATED this 25th day of February, 2008.

10 AMERICAN CIVIL LIBERTIES UNION OF
11 WASHINGTON FOUNDATION

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