

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AMERICAN LIBRARY ASSOCIATION, et al., )  
)  
Plaintiffs, )  
) Civil Action No. 01-CV-1303  
v. )  
)  
UNITED STATES OF AMERICA, et al., )  
)  
)  
Defendants. )  
\_\_\_\_\_ )

MULTNOMAH COUNTY PUBLIC LIBRARY, )  
et al., )  
)  
Plaintiffs, )  
) Civil Action No. 01-CV-1322  
v. )  
)  
UNITED STATES OF AMERICA, et al., )  
)  
)  
Defendants. )  
\_\_\_\_\_ )

**PLAINTIFFS' JOINT PROPOSED FINDINGS OF FACT**

## TABLE OF CONTENTS

SUMMARY OF KEY FACTS .....	1
THE NATURE OF THE INTERNET .....	2
LIBRARIES AND INTERNET ACCESS .....	7
CIPA IS INCONSISTENT WITH THE USUAL FUNCTIONS OF PUBLIC LIBRARIES .....	9
THE OPERATION OF TECHNOLOGY PROTECTION MEASURES .....	11
TECHNOLOGY PROTECTION MEASURES INEVITABLY BLOCK ACCESS TO CONSTITUTIONALLY PROTECTED SPEECH .....	16
CIPA IS INEFFECTIVE AT BLOCKING ACCESS TO THE MATERIAL IT INTENDS TO RESTRICT .....	29
CIPA'S UNBLOCKING PROVISION IS UNWORKABLE AND WILL DETER PATRONS FROM ACCESSING CONSTITUTIONALLY PROTECTED SPEECH .....	30
LIBRARIES USE A VARIETY OF EFFECTIVE MEANS TO HELP PATRONS FIND CONTENT THEY WANT AND AVOID UNWANTED AND ILLEGAL CONTENT .....	33
THE IDENTITY OF PLAINTIFFS' TESTIFYING FACT WITNESSES .....	35
THE IDENTITY OF THE NON-TESTIFYING ALA PLAINTIFFS .....	39
THE IDENTITY OF THE NON-TESTIFYING MULTNOMAH PLAINTIFFS .....	43
THE NATURE AND OPERATION OF THE E-RATE PROGRAM .....	50
THE NATURE AND OPERATION OF LSTA FUNDING .....	52