

HON. RICARDO S. MARTINEZ

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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

10 BACKPAGE.COM, LLC,

11 Plaintiff,

12 v.

13
14 ROB MCKENNA, Attorney General of the
15 State of Washington; RANDY J. FLYCKT,
16 Adams County Prosecuting Attorney;
17 BENJAMIN C. NICHOLS, Asotin County
18 Prosecuting Attorney; ANDREW K. MILLER,
19 Benton County Prosecuting Attorney; GARY A.
20 RIESEN, Chelan County Prosecuting Attorney;
21 DEBORAH S. KELLY, Clallam County
22 Prosecuting Attorney; ANTHONY F. GOLIK,
23 Clark County Prosecuting Attorney; REA L.
24 CULWELL, Columbia County Prosecuting
25 Attorney; SUSAN I. BAUR, Cowlitz County
26 Prosecuting Attorney; STEVEN M. CLEM,
Douglas County Prosecuting Attorney;
MICHAEL SANDONA, Ferry County
Prosecuting Attorney; SHAWN P. SANT,
Franklin County Prosecuting Attorney;
MATTHEW L. NEWBERG, Garfield County
Prosecuting Attorney; ANGUS LEE, Grant
County Prosecuting Attorney; H. STEWARD
MENEFEE, Grays Harbor County Prosecuting
Attorney; GREGORY M. BANKS, Island
County Prosecuting Attorney; SCOTT W.
DECLARATION OF BREWSTER KAHLE
Case No.: 2:12-cv-00954-RSM

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**DECLARATION OF BREWSTER
KAHLE**

1 ROSEKRANS, Jefferson County Prosecuting
Attorney; DAN SATTERBERG, King County
2 Prosecuting Attorney; RUSSELL D. HAUGE,
Kitsap County Prosecuting Attorney;
3 GREGORY L. ZEMPEL, Kittitas County
Prosecuting Attorney; LORI L. HOCTOR,
4 Klickitat County Prosecuting Attorney;
5 JONATHAN L. MEYER, Lewis County
Prosecuting Attorney; JEFFREY S.
6 BARKDULL, Lincoln County Prosecuting
Attorney; MICHAEL K. DORCY, Mason
7 County Prosecuting Attorney; KARL F.
8 SLOAN, Okanogan County Prosecuting
Attorney; DAVID J. BURKE, Pacific County
9 Prosecuting Attorney; THOMAS A.
10 METZGER, Pend Oreille County Prosecuting
Attorney; MARK LINDQUIST, Pierce
11 County Prosecuting Attorney; RANDALL K.
GAYLORD, San Juan County Prosecuting
12 Attorney; RICHARD WEYRICH, Skagit
County Prosecuting Attorney; ADAM N.
13 KICK, Skamania County Prosecuting
Attorney; MARK K. ROE, Snohomish
14 County Prosecuting Attorney; STEVEN J.
TUCKER, Spokane County Prosecuting
15 Attorney; TIMOTHY D. RASMUSSEN,
Stevens County Prosecuting Attorney; JON
16 TUNHEIM, Thurston County Prosecuting
Attorney; DANIEL H. BIGELOW,
17 Wahkiakum County Prosecuting Attorney;
18 JAMES L. NAGLE, Walla Walla County
Prosecuting Attorney; DAVID S.
19 McEACHRAN, Whatcom County
Prosecuting Attorney; DENIS P. TRACY,
20 Whitman County Prosecuting Attorney;
21 JAMES P. HAGARTY, Yakima County
Prosecuting Attorney,
22

23
24 Defendants, in their official capacities.
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DECLARATION OF BREWSTER KAHLE
Case No.: 2:12-cv-00954-RSM

focal PLLC
800 Fifth Ave., Ste. 4100
Seattle, WA 98104
206.529.4827

1 I, Brewster Kahle, of full age, certify, declare, and state:

- 2 1. The facts contained in the following affidavit are known to me of my own personal
3 knowledge, and if called upon to testify, I could and would competently do so.
- 4 2. I am a computer engineer, advocate of universal access to knowledge, digital
5 librarian, and founder of the Internet Archive (<http://archive.org>).
- 6 3. I am a member of the National Digital Information Infrastructure and Preservation
7 Program of the Library of Congress, and in 2012, I was inducted into the Internet Hall
8 of Fame for having made “significant contributions to the development and
9 advancement of the global Internet” (<http://www.internethalloffame.org/about>).
- 10 4. Founded in 1996 and located in San Francisco, the Internet Archive works to prevent
11 the Internet and other “born-digital” materials from disappearing into the past. The
12 Internet Archive is a 501(c)(3) non-profit that was founded to build an Internet
13 library. It offers permanent access for researchers, historians, scholars, people with
14 disabilities, and the general public to historical collections that exist in digital format.
15 The vast majority of the material in the Internet Archive’s collection is material
16 authored by third parties.
- 17 5. The Internet Archive has archived web pages since it began in 1996, expanding to
18 include other media types in its digital archives in late 1999. Today, the Internet
19 Archive includes texts, audio, moving images, and software, as well as archived web
20 pages in its collections. The Internet Archive also provides specialized services for
21 adaptive reading and information access for the blind and other persons with
22 disabilities.
- 23 6. The Internet Archive collects and displays web materials on behalf of the Library of
24 Congress, the National Archives, most state archives and libraries, as well as
25 universities and other countries, working to preserve a record for generations to come.
26

- 1 7. As part of its mission to create an accurate and historically relevant archive of the
2 Internet, the Internet Archive regularly gathers “snapshots” – accessible copies – of
3 content on the World Wide Web through its “crawling” and indexing processes. The
4 Internet Archive currently crawls and archives about 100 million web pages per day.
- 5 8. The Internet Archive currently maintains over 150 billion web pages archived from
6 1996 to (nearly) the present from web sites around the world, including archives of
7 third-party content posted to web sites like Backpage.com and craigslist.org.
- 8 9. Currently, the Internet Archive has over two million unique users per day across all of
9 its services and adds about 15,000 registered users per month.
- 10 10. The Internet Archive circulates 3.4 million texts, 1.3 million audio files, and six
11 hundred thousand video files that are downloaded by tens of millions of users each
12 month.
- 13 11. The general public uploads about 1,000 items per day to our collections.
- 14 12. While the Internet Archive preserves for itself the ability to remove content at its own
15 volition and occasionally does so for a variety of reasons, it has no practical ability to
16 evaluate the legality of any significant portion of the third-party content that it
17 archives and makes available.

18
19 I declare under penalty of perjury of the laws that the foregoing is true and correct to the
20 best of my knowledge and belief. Executed July 2nd, 2012, in San Francisco, California.

21 Dated: July 2, 2012

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24 _____
25 BREWSTER KAHLE
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