

Supplemental Expert Report of Benjamin Edelman

Multnomah County Public Library et al.,
vs.
United States of America, et al.

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I. Purpose and Summary

I have been asked by counsel for the plaintiffs to investigate the status of certain URLs found to be blocked in my first expert report, submitted October 15, 2001.

I have determined that, of the URLs previously listed in Appendices A and B of my initial report, a substantial portion continue to be wrongly blocked. The prolonged erroneous blocking of these sites reinforces my prior conclusion that overblocking is not only substantial but also persistent.

II. Testing Methodology

Before retesting any URLs, I updated each of N2H2, SurfControl, and Websense to the latest versions of their respective control lists. As my subscription to the Smartfilter database had expired, I was unable to update Smartfilter, and I therefore did not retest URLs through Smartfilter.

I formed a comprehensive list of the 6,777 URLs from Appendices A and B of my initial expert report. I tested the accessibility of each of these URLs via Internet access restricted by each of N2H2, SurfControl, and Websense. I tested Websense on February 5, 2002, and I tested N2H2 and SurfControl on March 8, 2002.

III. Results

In the table below, I report the number of distinct URLs previously found to be blocked (on any testing date listed in the Appendices to my initial Expert Report) as well as the number of distinct URLs found to be blocked in current retesting of February-March 2002.

	URLs in Appendix A		URLs in Appendix B		Total	
	<i>Previously Blocked</i>	<i>Currently Blocked</i>	<i>Previously Blocked</i>	<i>Currently Blocked</i>	<i>Previously Blocked</i>	<i>Currently Blocked</i>
N2H2	193	138	4702	3030	4895	3168
SurfControl	129	30	1813	746	1942	776
Websense	124	86	2026	1615	2150	1701

In order to determine whether the specific URLs blocked by each program remain consistent over time, I subsequently restricted analysis for each program to those URLs previously blocked by that program. For each program listed below, the “Number still blocked” column reports the number of distinct URLs found to be blocked both in previous testing and in current retesting. The “Percent still blocked” number expresses “Number still blocked” as a proportion of the number of URLs previously blocked by each program.

	URLs in Appendix A		URLs in Appendix B		Total	
	<i>Number Still Blocked</i>	<i>Percent Still Blocked</i>	<i>Number Still Blocked</i>	<i>Percent Still Blocked</i>	<i>Number Still Blocked</i>	<i>Percent Still Blocked</i>
N2H2	94	48.70%	2603	55.36%	2697	55.10%
SurfControl	3	2.33%	136	7.50%	139	7.16%
Websense	84	67.74%	1556	76.80%	1640	76.28%

I obtained a copy of Joe Janes’ expert report and appendices. I obtained from his appendices a list of URLs which he and his staff reviewed and found to be wrongly blocked. Of his 473 such URLs, I found that 465 had previously been blocked by one of N2H2, SurfControl, and Websense, and of those 465, 286 were still blocked by at least

one of N2H2, SurfControl, or Websense in my recent retesting. The table below details these results by blocking program.

	<i>Janes Previous Overblocked URLs</i>	<i>Janes Still Overblocked URLs</i>	<i>Percent URLs Still Overblocked</i>
N2H2	328	166	50.61%
SurfControl	131	8	6.11%
Websense	151	117	77.48%

The appendix to my supplemental report lists the specific URLs I found still to be blocked by at least one of N2H2, SurfControl, and Websense. It designates which of those programs were found to currently block each URL as well as which program or programs previously blocked each. It further designates those URLs previously listed in Appendix A of my first report (as against URLs in Appendix B of that report) as well as URLs previously found by Joe Janes to be wrongly blocked.¹

¹ The URLs listed in Appendix A of my initial report were reviewed by experts Anne Lipow and Michael Ryan. The URLs reviewed by expert Joe Janes and his staff were a random sample of all URLs in Appendices A or B.