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**Open Source America's Operating System**

"It's Not Just A Good Idea—It's The Law!"

January 5, 2010

Mr. Blair Levin, Executive Director  
Omnibus Broadband Initiative  
Federal Communications Commission  
445 12th Street, Southwest  
Washington, D.C. 20554

Dear Mr. Levin:

Congratulations on your significant progress with the Omnibus Broadband Initiative. The Broadband.Gov site is very impressive, as has been the open consultative process you have undertaken to formulate our National Broadband Plan.

I would like to call to your attention two consequences of deployment of broadband as a national infrastructure that are often overlooked, both having to do with the proper and efficient operation of our government. The first is that hearings and other public meetings in Washington, D.C. can for the first time be made available to everybody. The second is that the primary legal materials of the United States can be more broadly distributed.

While I was at the Center for American Progress as Chief Technology Officer, I spent considerable time developing and vetting technical specifications on what it would take to create broadcast-quality video feeds from every hearing that takes place in Washington, D.C., particularly those of the U.S. Congress. That work resulted in a formal **report submitted to Speaker Nancy Pelosi**, as well as a series of **demonstration trials with four Congressional Committees** to show what it means to have broadcast-quality video from hearings more broadly available. In addition to the report to Speaker Pelosi, I explained many of the technical details in forums such as **Google Tech Talks**, and was very pleased that Bruce James, the previous Public Printer of the United States, **was supportive** of these efforts.

By making Congressional hearings (and all other public hearings) available as broadcast quality feeds with a permanent archive available, we open up the hearing process for all Americans to participate. Today, if you want to attend most hearings of the Congress, you need the resources to travel to DC and to hire somebody to guard in place in line. With a broadband infrastructure as well the support of the government to open our meetings, we can build a bridge from Washington, D.C. to the rest of the country.

The second area I wish to call to your attention are the primary legal materials of the United States. For many years, the size of these databases was considered a prohibitive factor. The U.S. Patent database, for example, is estimated at over 500 Terabytes in size. The PACER database of U.S. District Court filings contains perhaps 500 million pages of documents.

Because of the difficulty of putting this information online, access to legal materials has been considered something beyond the reach of most, a resource only available to professional who practice the law or others with a big financial stake. Because this system has been a retail-based system of vendors, public interest groups or legal scholars wishing to conduct systematic analysis of large document collections have been shut out.

As you have seen, there have been a variety of strong efforts by the new administration to make these materials more broadly available, starting with the path-breaking Data.Gov system and more recently the Open Government Initiative.

There are a series of initiatives underway that would make even more of this type of information available. The U.S. Patent and Trademark Office, for example, has undertaken a reworking of their [data dissemination strategy](#). There are also outside efforts, such as [the Law.Gov effort](#) which I am undertaking in cooperation with 10 major law schools throughout the country. The aim of the Law.Gov effort is to create a detailed business case and technical specifications that will be submitted to the government. These specifications will demonstrate how and why the government can make an authenticated registry and repository of all primary legal materials of the United States available to all. While the Law.Gov effort is being undertaken outside of the framework of government, I should note that the activity has generated tremendous interest from all 3 branches of government, including a request that [the report be submitted to a U.S. Senate committee](#).

As government makes more information available and as broadband gets more broadly deployed, these two trends together will serve two important causes. The effects on justice and democracy of making the workings of government more broadly available are of course a dramatic change in how government relates to the people of the United States. There will be another effect, however, and that is innovation. By making video from all meetings and all documents that have the force of law more readily available, we will present a host of new opportunities for startups and established companies alike to make government a platform that will serve us all.

Best regards,

Carl Malamud  
President & CEO  
Public.Resource.Org, Inc.