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

September 18, 2009

The Honorable John Kroger, Attorney General
Oregon Department of Justice
State of Oregon
1162 Court Street, NE
Salem, OR 97301-4096

via facsimile

Dear Attorney General Kroger:

My colleague from the University of Oregon, Dr. William T. Harbaugh, asked for my assistance recently in making some government documents searchable and available on-line. As a 501(c)(3) nonprofit corporation with a mission of making government information more accessible, we were happy to assist Professor Harbaugh and placed a searchable PDF of the **Attorney General's Public Records and Meetings Manual** on-line.

As the quality of the scan was poor, we'd like to do a better job. You will find attached a completed order for the Attorney General's Administrative Law Manual, the Attorney General's Public Records and Meetings Manual, the Attorney General's Public Contracts Manual, and the Core Mediation Training Manual, as well as payment of \$225.00. It is our intent to scan these documents and place them on-line for public use.

I am somewhat puzzled the copyright assertion on the Public Records and Meetings Manual, and the reported admonition by your office that copies are "not to be redistributed without our permission in any format." As the State of Oregon's chief lawyer, you are of course familiar with the long line of court decisions that "no one has or can have copyright" in the law. *Wheaton v. Peters*, 33 U.S. (8 Pet.) 591 (1834). And, as an elected official, I'm sure you will agree that "the law, which, binding every citizen, is free for publication to all, whether it is a declaration of unwritten law, or an interpretation of a constitution or statute." *Banks v. Manchester*, 128 U.S. 244, 253 (1888).

We look forward to receiving our copies of these manuals and making these important legal materials more broadly available.

Sincerely yours,

Carl Malamud
President & CEO
Public.Resource.Org

cc: Professor William T. Harbaugh