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“It’s Not Just A Good Idea—It’s The Law!”

December 21, 2020

Code Revision Commission
Arkansas State Legislature
% Bureau of Legislative Research
1 Capitol Mall, Fifth Floor
Little Rock, AR 72201

Dear Speaker Shepherd, Code Revisor Henderson, and members of the Arkansas Code Revision Commission:

I had the pleasure of viewing the [December 1 meeting](#) of the Arkansas Code Revision Commission. Thank you for streaming video and providing documents for the meeting for the public. It was very instructive, and I was very impressed with the careful and deliberate way the Commission considered the various matters pertaining to the codification of Arkansas law.

In that meeting you received a briefing on the recent U.S. Supreme Court decision regarding the suit the State of Georgia pursued against my organization. [Georgia et. al. v. Public.Resource.Org](#), 140 S.Ct. 1498 (2020). In that briefing, the Commission was told that “the ruling and its indications, until as these things go, until it's tried otherwise, we feel that the application is limited to Georgia.” I believe it was Judge Brownstein who then commented that “I read the opinion, and I cannot distinguish it ... I thought it sounded just like our situation.” [Unofficial Transcript of 2020-12-01 ACRC Meeting](#)

Having studied this matter very carefully over a number of years, I must say that I agree with Judge Brownstein and strongly believe the situation in Arkansas is no different than that in Georgia. In both cases, the codification of the law, as we saw in the recent Commission meeting, is “created within the legislative branch of government.” [A.C.A. § 1-2-301](#)

The powers and duties of the Commission are extensive, and include 19 specific types of corrections that made be made to the Arkansas Code Annotated. [A.C.A. § 1-2-303\(d\)\(1\)](#) As the Preamble to Acts 1981, No. 308 states, “Whereas, if laws were written in language which could be understood by the average person the expense to the citizens of Arkansas for employment of legal assistance to interpret laws and to represent such citizens in court to obtain their rights under such laws would be substantially reduced.” [A.C.A. § 1-2 \(A.C.R.C. Notes\)](#) The Arkansas Code Annotated is clearly and definitively an “edict of government” as expressed by the U.S. Supreme Court, as well as by the U.S. Copyright Office. [Compendium of U.S. Copyright Office Practices \(Third Edition\), § 316\(C\)\(2\)](#)

I would like to take this opportunity to inform the Commission that, as part of our work to make the law more readily available to citizens, Public Resource has purchased a quarterly subscription to the Arkansas Code Annotated. We make the titles available in word processing formats [on the Internet Archive](#).

Public Resource has also developed open source software that transform the word processing files into modern HTML, with accessibility features for the visually impaired, creation links to other code sections, tagging of citations to other resources (such as the U.S. Code and the Code of Federal Regulations), and a number of other features. We currently have made available [Releases 76, 77, and 78](#) in this HTML format, and it is our intent to continue to develop this open source software to incorporate other features, such as the ability to compare code sections over time with redlines.

Public Resource asserts no intellectual property over any of this work, and our work is strictly non-commercial. We are encouraging other groups to develop new and innovative ways to inform their fellow citizens of their rights and obligations under the law using these materials. I know of at least one developer in Arkansas currently working on an “app” to present the Arkansas Code Annotated to the people of Arkansas.

If we can assist the Commission in any way, please don’t hesitate to contact me. We would be delighted if the Commission could make use of the HTML files we have released, and would of course be happy to provide you with further information on our activities and to otherwise be of assistance to the Arkansas State Legislature, the Bureau of Legislative Research, and the Arkansas Code Revision Commission.

Sincerely,

DocuSigned by:

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

