



PUBLIC.RESOURCE.ORG ~ *A Nonprofit Corporation*

Public Works for a Better Government

November 20, 2015

Honorable Bob Goodlatte, Chairman
Honorable John Conyers, Jr., Ranking Member
Committee on the Judiciary
House of Representatives
2138 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Goodlatte and Ranking Member Conyers:

Thank you for your kind invitation of **July 20, 2015** to provide an update on the issue of edicts of government that you invited me to discuss with you on **January 14, 2014**. In **my testimony**, I detailed some of the obstacles our nonprofit corporation was beginning to face for posting primary legal documents such as federal and state regulations and official state codes on the Internet.

While there has been a huge amount of progress in making edicts of government more readily available and accessible on the Internet since that time, the obstacles that we face have also increased. I'm attaching for your review **a summary of Public Resource's activities** in the area of edicts of government in 2015. As you can see, that list is rather extensive. Our work this year falls in three general categories:

- In 2015, Public Resource responded to 10 Notices of Proposed Rulemaking (NPRM). In each case an agency was proposing to incorporate by reference in the Code of Federal Regulations public safety standards. Our comments were submitted with co-signatories representing a broad segment of the public. On the diving safety NPRM submitted to the Coast Guard, for example, six certified divers joined us as cosignatories. For a comment on Federal Highway Administration road standards, we were joined by distinguished transportation experts and by the National Association of City Transportation Officials (NACTO).
- Public Resource also submitted a series of Freedom of Information Act requests, in each case asking for documents that have been incorporated into the Code of Federal Regulations and is listed therein as being in the possession of the government in a reading room. The responses we received are all over the map, but in each case we were denied. The Department of Housing and Urban Development, claimed that after a diligent search, the document—which is an important part of HUDs binding regulations—could not be located. The Consumer

Product Safety Commission (CPSC) said that a document that they incorporated into law was “proprietary and confidential.”

- In addition to participating in the federal administrative law mechanisms of the FOIA and NPRM comments, we unfortunately have also faced litigation in four different federal district court cases.

There was a great deal of good news in 2015, but first let me bring to your attention three pieces of bad news:

- The State of Georgia has sued Public Resource in U.S. District Court, alleging a strategy of “terrorism” for having published the Official Code of Georgia Annotated. All parties agree that this is the one and only official code of Georgia, yet the state maintains it owns copyright over everything from the titles of the sections (“catchlines”) to annotations that were inserted into the code by the Georgia Code Revision Commission acting on behalf of the Georgia Assembly.
- In my 2014 testimony, I briefed you on a case that had recently been filed by three Standards Development Organizations (SDOs) over our posting of crucial public safety standards that are part and parcel of federal law through incorporation by reference, and of state law through statute and incorporation. An example is the National Electrical Code which is required by the federal government and in all 50 states. Those three plaintiffs were joined by three more plaintiffs, so we are now facing six plaintiffs and four law firms in a case that has taken over two years just to finish discovery.
- Public Resource continues to post standards incorporated by reference, but the efforts of SDOs have accelerated to stop others from posting federal and state law. The policies they impose are draconian. For example, Congress mandated that the Fifth Edition of the Underwriters’ Laboratories standard on garage doors be deemed a rule. But, UL has a policy that any standard which is not the latest version (in the case of garage doors, the Sixth Edition) requires a case-by-case approval before an individual is allowed to purchase a copy. Public Resource applied and was turned down. In fact, of 103 federal incorporations of UL standards, only eight of them can be purchased without special permission.

There has been some good news, however:

- The U.S. Copyright Office issued the Third Edition of the **Compendium of U.S. Copyright Office Practices** on December 22, 2014 which forcefully reaffirmed that “as a matter of longstanding public policy,” edicts of government may not be registered for copyright in the United States. The Copyright Office quoted Justice Harlan, who stated, “no one can obtain the exclusive right to publish the laws of a state in a book prepared by him.” *Howell v. Miller*, 91 F. 129, 137 (6th Cir. 1898).
- Throughout the United States, volunteers have been pitching in to make municipal and state codes far more useful and accessible on the Internet, evidence of the innovation that flourishes when the chilling effect of threats and litigation are

removed. The Committee is familiar with the brilliant transformation of federalregister.gov which happened when three civic volunteers took it upon themselves to code a better official journal for their country. We've seen the same at the municipal level, with dccode.org, chicagocode.org, sanfranciscocode.org, phillycode.org and many, many more.

- Despite the vehement and clamorous attacks on our work by a few disgruntled and greedy SDOs, Public Resource has made great progress in formatting crucial public safety codes into modern documents that are far more accessible to the visually impaired and far more usable on platforms such as smart phones and tablets. All internal crosslinks within documents to specific clauses and sections are hyperlinked, and it is now possible to begin linking safety standards to the regulations that incorporate them. Our goal is a unified and usable Code of Federal Regulations, one that allows citizens (and government workers), far more ready access to the laws by which we choose to govern ourselves as a democratic society. We invite the committee to take a look at some of the work we've done, such as the [ASTM F963 toy safety standard](#) mandated by Congress or the [API 2C crane safety standard](#) meant to help prevent more disasters in our oceans.

Most of the United States understands that the law belongs to the people and if we are to say that ignorance of the law is no excuse, we cannot restrict access to important public safety laws, requiring high tariffs just to read the law, then prohibiting transformative uses or even minor quotations without a license that is only granted arbitrarily by a private party. Public policy on this matter is very clear, but if Congress acts as suggested by 115 distinguished law professors and librarians to codify the edicts of government exception to copyright registration, public policy will be even clearer.

This is important for many reasons. The law is the underpinning of our system of justice and government. Lifting the cloud that looms over edicts of government due to the efforts of a few parties to impose a monopoly over key components of our law will benefit our country in many ways:

- The legal profession has not had the benefits of rapid innovation that other professional fields have had from the Internet. One of the reasons is because the raw materials of our democracy have been illegally claimed by private parties as their exclusive resource. Clarifying that edicts of government are for our common good will help spur much-needed innovation in tools available for lawyers.
- Regulation is, for better or worse, a big product of our federal government. Small businesses, big businesses, inventors, and students must all grapple with the immense body of federal regulation, much of which is incorporated by reference into the Code of Federal Regulations. Lack of availability of these key regulations is a huge hindrance to the efficiency of American business and reduces our ability to trade with other countries.
- Regulation is the key task of government workers at all levels. Safety regulations in the CFR flow down to state and local government employees, who must work

with the federal government to enforce occupational safety, hazmat transport, road design, mine safety, environmental safety, and many other regulations. Government operations suffer mightily in efficiency because the regulatory tool they must consult, the CFR, has been parceled out. For example, in order to understand the rules from PHMSA for hazmat transport, one must consult a dozen different organizations, each with their own incompatible format.

- An argument we have heard from a few SDOs is that “ordinary” citizens have no interest in public safety standards required by law, and that therefore no harm is done limiting the law to a few “affected parties” who can well afford to pay \$1,000 or more per document. Such a view is elitist and undemocratic and is insulting to the intelligence of the American people. Should not parents, consumer groups, and journalists be able to read the federally mandated standards for **baby cribs**, **infant bath seats**, **cradles**, and **strollers**? Of course they should. That is what makes for an informed citizenry, the bedrock of our system of government.

Edicts of government are a crucial issue, going far beyond the mechanics of copyright. Access to the law is a fundamental requirement of the rule of law, an informed citizenry is the only way our democracy can work. Do we think there is too much government regulation or not enough? How can we have that discussion on a specific case-by-case basis when we are not allowed to read those regulations without a license? What kind of a democracy forbids a citizen from posting a copy of the law or even reading a copy of the law without special permission? This is not how America should work.

Sincerely yours,



Digitally signed by Carl Malamud
 DN: cn=Carl Malamud,
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 ou,
 email=carl@media.org,
 c=US
 Date: 2015.11.20
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Carl Malamud



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Registry of 2015 Activities of Public.Resource.Org

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This document available in [HTML](#) and [PDF](#) formats.

For more information about Public.Resource.Org—and how to support our work—please visit our [about page](#).

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1. Standards and Codes

- API 2C (2004) – Specification for Offshore Pedestal Mounted Cranes
- 36 CFR 1194 – [Proposed] Information And Communication Technology (ICT) Standards and Guidelines
- IETF RFC 4103 – RTP Payload for Text Conversation
- ANSI/HFES 200 – Human Factors Engineering of Software User Interfaces, Part 2: Accessibility
- EN 71-1:2011+A3:2014 – Safety of toys - Part 1: Mechanical and physical properties
- EN 71-2:2011+A1:2014 – Safety of toys - Part 2: Flammability

- [EN 71-3:2013](#) – Safety of toys - Part 3: Migration of certain elements
- [EN 71-4:2013](#) – Safety of toys - Part 4: Experimental sets for chemistry and related activities
- [EN 71-5:2013](#) – Safety of toys - Part 5: Chemical toys (sets) other than experimental sets
- [EN 71-7:2014](#) – Safety of toys - Part 7: Finger paints - Requirements and test methods
- [EN 71-8:2011](#) – Safety of toys - Part 8: Activity toys for domestic use
- [EN 71-12:2013](#) – Safety of toys - Part 12: N-Nitrosamines and N-nitrosatable substances
- [EN 71-13:2014](#) – Safety of toys - Part 13: Olfactory board games, cosmetic kits and gustative games
- [ASTM F406](#) – Standard Consumer Safety Performance Specification for Non-Full-Size Baby Cribs/Play Yards [16 CFR 1221]
- [ASTM F833](#) – Standard Consumer Safety Performance Specification for Carriages and Strollers [16 CFR 1227]
- [ASTM F963](#) – Standard Consumer Safety Performance Specification for Toy Safety [15 USC 2056b]
- [ASTM F977](#) – Standard Consumer Safety Performance Specification for Infant Walkers [16 CFR 1216]
- [ASTM F1169](#) – Standard Consumer Safety Performance Specification for Full-Size Baby Cribs [16 CFR 1219]
- [ASTM F1967](#) – Standard Consumer Safety Performance Specification for Infant Bath Seats [16 CFR 1215]
- [ASTM F2050](#) – Standard Consumer Safety Performance Specification for Hand-Held Infant Carriers [16 CFR 1225]
- [ASTM F2080](#) – Standard Consumer Safety Performance Specification for Infant Swings [16 CFR 1223]

- [ASTM F2194](#) – Standard Consumer Safety Performance Specification for Bassinets and Cradles [16 CFR 1218]
- [ASTM F2236](#) – Standard Consumer Safety Performance Specification for Soft Infant and Toddler Carriers [16 CFR 1226]
- [ASTM F2549](#) – Standard Consumer Safety Performance Specification for Frame Child Carriers [16 CFR 1230]
- Official Code of Georgia Annotated, July 2015 Update, 52 volumes. [[Bulk Access](#) | [Searchable Interface](#)]

2. Comments on Notices of Proposed Rulemaking

2.1. Pipeline and Hazardous Materials Safety Administration (PHMSA) (Dept. of Transportation)

- Subject: Hazardous Materials: Miscellaneous Amendments (RRR)
- Regulations.Gov Docket: [PHMSA-2013-0225](#) (Docket Closed March 24, 2015)
- Notice of Rulemaking: [80 FR 3787](#), January 23, 2015
- Public.Resource.Org Comments: [March 24, 2015](#)
- Co-Signatories: Greenpeace USA

2.2. Federal Highway Administration (FHWA) (Dept. of Transportation)

- Subject: National Performance Management Measures; Assessing Pavement Condition for the National Highway Performance Program and Bridge Condition for the National Highway Performance Program
- Regulations.Gov Docket: [FHWA-2013-0053](#) (Docket Closed April 6, 2015)
- Notice of Rulemaking: [80 FR 325](#), January 5, 2015
- Public.Resource.Org Comments: [April 3, 2015](#)
- Co-Signatories: Center for Auto Safety

2.3. United States Coast Guard (Dept. of Homeland Security)

- Subject: Commercial Diving Operations - Advanced Notice of Proposed Rulemaking (ANPRM)
- Regulation.Gov Docket: [USCG-1998-3786](#) (Docket Closed May 20, 2015, Subsequently Reopened)
- Notice of Rulemaking: [80 FR 9151](#), February 19, 2015
- Public.Resource.Org Comments: [May 7, 2015](#)
- Co-Signatories: Certified Divers, Including Joichi Ito, Director, MIT Media Lab; David Helvarg, Executive Director, Blue Frontier Campaign; Buck Calabro, Professional Computer Programmer and Diver; Grant W. Graves, Director and Director of Photography; Aaron Turner, Professional Computer Programmer and Diver; Wendy Turner, Program Manager and Diver
- Extension of Rulemaking: [80 FR 51173](#), August 24, 2015
- Public.Resource.Org Comments: [October 23, 2015](#)

2.4. United States Access Board

- Subject: Information and Communication Technology (ICT) Standards and Guidelines
- Regulations.Gov Docket: [ATBCB-2015-0002](#) (Docket Closed May 28, 2015)
- Notice of Rulemaking: [80 CFR 10879](#), February 27, 2015
- Public.Resource.Org Comments: [May 28, 2012](#)
- Co-Signatories: Sina Bahram, Expert on Accessibility and James S. Tyre, Attorney

2.5. Bureau of Safety and Environmental Enforcement (BSEE) (Dept. of the Interior)

- Subject: Oil and Gas and Sulphur Operations in the Outer Continental Shelf-- Blowout Preventer Systems and Well Control
- Regulations.Gov Docket: [SEE-2015-0002](#) (Docket Closed July 16, 2015)

- Notice of Rulemaking: [80 FR 31560](#), June 3, 2015
- Public.Resource.Org Comments: [June 3, 2015](#)
- Co-Signatories: Greenpeace USA

2.6. Federal Highway Administration (FHWA) (Dept. of Transportation)

- Subject: Design Standards for Highways
- Regulations.Gov Docket: [FHWA-2015-0003](#) (Docket Closed July 2, 2015)
- Notice of Rulemaking: [80 FR 31327](#), June 2, 2015
- Public.Resource.Org Comments: [June 15, 2015](#)
- Co-Signatories: Elizabeth Deakin, Professor of City & Regional Planning, University of California at Berkeley; Kendra K. Levine, Research Library, UC Berkeley Institute of Transportation Studies; Ruth Miller, Transportation Consultant; Ralph Nader, Lawyer; Center for Auto Safety; National Association of City Transportation Officials
- Final Rule: [80 FR 61302](#), October 13, 2015

2.7. Bureau of Safety and Environmental Enforcement (BSEE) (Dept. of the Interior)

- Subject: Oil and Gas and Sulphur Operations in the Outer Continental Shelf-Update of Incorporated Cranes Standard
- Regulations.Gov Docket: [BSEE-2014-0002](#) (Docket Closed July 15, 2015)
- Notice of Rulemaking: [80 FR 34113](#), June 15, 2015
- Public.Resource.Org Comments:
 - [July 15, 2015](#) (Main Comment)
 - [July 15, 2015](#) (Animated GIF Attachment)
 - [July 15, 2015](#) (HTML Attachment)
 - [July 20, 2015](#) (Protest over Procedural Irregularities)
 - [September 9, 2015](#) (Answer to Protest)

2.8. Pipeline and Hazardous Materials Safety Administration (PHMSA) (Dept. of Transportation)

- Subject: Pipeline Safety: Plastic Pipe Rule
- Regulations.Gov Docket: [PHMSA-2014-0098](#) (Docket Closed July 31, 2015)
- Notice of Rulemaking: [80 FR 29263](#), May 21, 2015
- Public.Resource.Org Comments: [July 24, 2015](#)
- Co-Signatories: DeSmogBlog; Eric Ball, Resident of San Bruno; James Creech, Resident of Burlingame; James Cutsinger, First Responder, San Mateo County Sheriff's Department

2.9. Consumer Product Safety Commission

- Subject: Safety Standard for Infant Bathtubs
- Regulations.Gov Docket: [CPSC-2015-0019](#) (Docket Closed October 28, 2015)
- Notice of Rulemaking: [80 FR 48769](#), August 14, 2015
- Public.Resource.Org Comments: [October 28, 2015](#)

2.10. Consumer Product Safety Commission

- Subject: Garage Door Operator Safety Standard
- Regulations.Gov Docket: [CPSC-2015-0025](#) (Docket Closed November 16, 2015)
- Notice of Rulemaking: [80 FR 53036](#), September 2, 2015
- Public.Resource.Org Comments: [November 16, 2015](#)

3. FOIA Requests for Standards Incorporated by Reference

In each case, a Freedom of Information Act request is submitted asking for copies of standards that have been incorporated by reference. Public.Resource.Org is represented by Public Citizen for these requests.

3.1. U.S. Access Board

- [FOIA Request to U.S. Access Board](#) (April 1, 2015)
- [Response from the U.S. Access Board](#) (April 20, 2015)
- [Appeal to the U.S. Access Board](#) (May 14, 2015)
- [Denial of Appeal from the U.S. Access Board](#) (June 10, 2015)

3.2. Consumer Products Safety Commission

- [FOIA Request to U.S. CPSC](#) (April 1, 2015)
- [Status Response from U.S. CPSC](#) (April 2, 2015)
- [Denial from U.S. CPSC](#) (May 18, 2015)
- [Appeal to the U.S. CPSC](#) (May 28, 2015)
- [Denial of Appeal from U.S. CPSC](#) (June 24, 2015)
- [FOIA Request to the U.S. CPSC](#) (September 10, 2015)
- [Permission form for purchase of the law from the Vendor](#) (September 10, 2015)
- [Denial of permission for purchase of the law from the Vendor](#) (September 11, 2015)
- [Status response from U.S. CPSC](#) (September 16, 2015)
- [Response from U.S. CPSC](#) (September 23, 2015)
- [Appeal to the U.S. CPSC](#) (October 2, 2015)
- [Interim Appeal Response from the U.S. CPSC](#) (November 2, 2015)

3.3. Office of the Federal Register (National Archives and Records Administration)

- [FOIA Response from the Office of the Federal Register](#) (August 3, 2009)
- [FOIA Request to National Archives and Records Administration](#) (April 1, 2015)

- [FOIA Request to Office of the Federal Register](#) (April 1, 2015)
- [Response from the Office of the Federal Register](#) (May 18, 2015)
- [Appeal to the Office of the Federal Register](#) (June 9, 2015)
- [Status report from the Office of the Federal Register](#) (September 29, 2015)

3.4. Department of Housing and Urban Development

- [FOIA Request to HUD](#) (April 1, 2015)
- [Response from HUD](#) (June 15, 2015)
- [Denial of permission for purchase of the law from the Vendor](#) (June 17, 2015)
- [Completed permission form for purchase of the law from the Vendor](#) (June 18, 2015)
- [Permission form for purchase of the law from the Vendor](#) (June 25, 2015)
- [FOIA Request to HUD](#) (July 2, 2015)
- [Response from HUD](#) (August 6, 2015)
- [Appeal to HUD](#) (August 12, 2015)
- [Status response from HUD](#) (August 14, 2015)
- [Denial from HUD](#) (September 10, 2015)

3.5. Mine Safety and Health Administration (Dept. of Labor)

- [FOIA Request to MSHA](#) (April 1, 2015)
- [Status Response from MSHA](#) (April 27, 2015)
- [Denial from MSHA](#) (May 5, 2015)
- [Appeal to the MSHA](#) (May 28, 2015)
- [Receipt of Request of Appeal from MSHA](#) June 22, 2015)

3.6. Occupational Safety and Health Administration (Dept. of Labor)

- [FOIA Request to OSHA](#) (April 1, 2015)
- [Denial from OSHA](#) (April 30, 2015)
- [Appeal to OSHA](#) (May 28, 2015)
- [Receipt of Appeal from OSHA](#) (June 22, 2015)

3.7. U.S. Coast Guard (Dept. of Homeland Security)

- [FOIA Request to U.S. Coast Guard](#) (April 1, 2015)
- [Rejection of Request from U.S. Coast Guard](#) (July 15, 2015)
- [FOIA Request to U.S. Coast Guard](#) (September 9, 2015)

3.8. Pipeline and Hazardous Materials Safety Administration (PHMSA) (Dept. of Transportation)

- [FOIA Request to PHMSA](#) (April 1, 2015)
- [Denial from PHMSA](#) (April 16, 2015)
- [Appeal to PHMSA](#) (May 5, 2015)
- [Denial of Right of Appeal from PHMSA](#) (May 12, 2015)

3.9. National Highway Traffic Safety Administration (NHTSA) (Dept. of Transportation)

- [FOIA Request to NHTSA](#) (April 1, 2015)
- [Response from NHTSA](#) (April 16, 2015)
- [Appeal to NHTSA](#) (May 4, 2015)
- [Denial of Appeal from NHTSA](#) (June 12, 2015)

4. FOIA Requests for Ethics Issues

In each case where a government official is on the board of directors of a private Standards Development Organization, a request is submitted asking for documentation about the relationship and potential conflicts of interest.

4.1. National Institute of Standards and Technology

- [FOIA Request to NIST](#) (July 22, 2015)
- [Response from NIST](#) (August 5, 2015)
- [FOIA Request to NIST](#) (August 6, 2015)
- [FOIA Request to the Department of Commerce](#) (August 6, 2015)

4.2. U.S. Consumer Products Safety Commission

- [FOIA Request to the U.S. CPSC](#) (July 22, 2015)
- [Response from U.S. CPSC](#) (August 11, 2015)

4.3. Department of Defense

- [FOIA Request to the Department of Defense](#) (July 22, 2015)
- [Referral from the Department of Defense](#) (August 19, 2015)
- [Status response from the Department of Defense](#) (September 25, 2015)
- [Response from the Department of Defense](#) (September 28, 2015)

4.4. Department of Energy

- [FOIA Request to the Department of Energy](#) (July 22, 2015)
- [Status response from the Department of Energy](#) (July 31, 2015)
- [Response from the Department of Energy](#) (September 8, 2015)

4.5. Environmental Protection Agency

- [FOIA Request to the EPA](#) (July 22, 2015)
- [Status response from the EPA](#) (July 29, 2015)
- [Status response from the EPA](#) (August 8, 2015)

4.6. Food and Drug Administration

- [FOIA Request to the Food and Drug Administration](#) (July 22, 2015)

4.7. U.S. Air Force

- [FOIA Request to the Air Force](#) (July 22, 2015)
- [Response from the Air Force](#) (September 8, 2015)

5. FOIA Requests for Communications with SDOs

In each case, a FOIA request is submitted asking for any communications the agency has had with private Standards Development Organizations.

5.1. Administrative Conference of the United States

- [FOIA Request to ACUS](#) (June 9, 2015)
- [Response letter from the Administrative Conference of the United States](#) (June 24, 2015)
- [Response files from ACUS](#) (June 24, 2015)

5.2. U.S. Access Board

- [FOIA Request to the U.S. Access Board](#) (June 8, 2015)
- [Response from the U.S. Access Board](#) (July 2, 2015)

5.3. National Institute of Standards and Technology

- [FOIA Request to NIST](#) (March 12, 2014)
- [Interim Response from NIST](#) (April 30, 2014)
- [Response from NIST](#) (August 27, 2014)
- [Final Response from NIST](#) (November 11, 2014)

5.4. Bureau of Safety and Environmental Enforcement (Dept. of the Interior)

- [FOIA Request to BSEE](#) (June 8, 2015)
- [Status response from BSEE](#) (June 9, 2015)
- [FOIA response from BSEE](#) (July 29, 2015)

5.5. Federal Highway Administration (Dept. of Transportation)

- [FOIA Request to the Federal Highway Administration](#) (June 8, 2015)
- [Status response from the Federal Highway Administration](#) (June 9, 2015)
- [Response from the Federal Highway Administration](#) (June 11, 2015)

5.6. Occupational Safety and Health Administration (Dept. of Labor)

- [Request to OSHA](#) (May 14, 2015)
- [Receipt of Request from OSHA](#) (May 29, 2015)
- [Response to Request from OSHA](#) (June 12, 2015)

5.7. Pipeline and Hazardous Materials Safety Administration (Dept. of Transportation)

- [FOIA Request to PHMSA](#) (June 8, 2015)
- [Denial of Expedited Treatment from PHMSA](#) (June 12, 2015)

6. Litigation and Petitions

6.1. American Society for Testing and Materials et. al. v. Public.Resource.Org, Inc.

- U.S. District Court for the District of Columbia, Hon. Tanya S. Chutkan
- Docket: [1:13-cv-01215](#)
- Discovery has been completed, and Magistrate Judge Deborah A. Robinson has scheduled a post-discovery status conference for October 20, 2015, before the case is referred back to Judge Chutkan. Motions for Summary Judgment are expected late this year or early next year
- Representation: Fenwick & West, EFF, Durie Tangri, David Halperin

6.2. American Educational Research Association, Inc. et. al. v. Public.Resource.Org, Inc.

- U.S. District Court for the District of Columbia, Hon. Tanya S. Chutkan
- Docket: [1:14-cv-00857](#)

- Current Status: Discovery has been completed and the case has been referred from the Magistrate Judge to the Judge. Motions for Summary Judgment are expected late this year or early next year
- Representation: Fenwick & West, EFF, Durie Tangri, David Halperin

6.3. Public.Resource.Org v. United States Internal Revenue Service

- U.S. District Court for the Northern District of California, Hon. William H. Orrick
- Docket: [3:13-cv-02789](#)
- Current Status: The case has concluded and the Judge has ruled in favor of Public.Resource.Org. A fee award for our lawyers is still outstanding. The IRS has announced that starting in 2016, they will begin wholesale release of e-file versions of nonprofit tax returns. Pro Publica has taken over our IRS archive and a full dump of all 8 million files is available on the Internet Archive for others wishing to serve this data
- Documents:
 - [Full archive](#) of letters and reports sent from 2012 to 2015
 - [Form 990s](#) in e-file format released in 2015
- Representation: Davis Wright Tremaine, assisted by David Halperin

6.4. Code Revision Commission et. al. v. Public.Resource.Org, Inc.

- U.S. District Court for the Northern District of Georgia, Hon. Mark H. Cohen
- Docket: [1:15-cv-02594](#)
- Current Status: Public.Resource.Org has answered the complaint and counter-claimed for declaratory relief
- Representation: Alston & Bird, assisted by Durie Tangri and David Halperin

6.5. DIN Deutsches Institut für Normung e.V. v. Public.Resource.Org, Inc. and Carl Malamud

- Hanseatisches Oberlandesgericht (Hanseatic Higher Regional Court), Hamburg, Germany

- Docket: [Aktenzeichen 5 U 76/15](#)
- Current Status: An adverse judgment in the Hamburg District Court has been appealed to the Court of Second Instance and our brief has been filed. We await a response from the plaintiffs
- Representation: Morrison Foerster, iRights.Law

6.6. Petition to the Office of Parliamentary Counsel, Her Majesty's Government, United Kingdom

- [Petition Submitted on 5 October 2015](#)

6.7. Petition to the Honorable Ministry of Consumer of Affairs, Republic of India

- Current status: A [formal petition](#) was submitted in 2014 to the Government of India and a negative response was received June of this year. A Writ of Petition to the High Court of Delhi in New Delhi is currently being prepared and will be filed in November or December
- Correspondence:
 - [12-Mar-2015](#) – Letter to the Indian Roads Congress
 - [22-Apr-2015](#) – Letter to Hon. Director General
 - [04-May-2015](#) – Letter to the Prime Minister
 - [04-May-2015 K](#) – Letter to Shri Rahul Gandhi
 - [08-Jun-2015](#) – Letter from the Bureau of Indian Standards
 - [09-Jun-2015](#) – Letter to the Hon. Principal Secretary
- Representation: Nishith Desai and Associates

6.8. Administrative Office of the U.S. Courts

- Correspondence:
 - [Letter to Congressman Mike Honda](#) (March 3, 2015)
 - [Letter to the Administrative Office](#) (March 2, 2015)

- [Refund Request to PACER Service Center](#) (March 12, 2015)
- [Letter from the Administrative Office](#) (March 24, 2015)
- [Refund Response from PACER Service Center](#) (March 25, 2015)
- [Report of Systematic Privacy Breaches](#) (March 30, 2015)
- [Report of Systematic Billing Errors](#) (March 31, 2015)
- [Letter to the Honorable Darrell Issa](#) (July 28, 2015)
- [Letter to the Honorable Chuck Grassley](#) (August 17, 2015)
- Litigation: Fee Exemption Application for Public.Resource.Org, [Docket 15-80056](#), U.S. Court of Appeals for the Ninth Circuit. The motion was [Denied](#) by the Chief Judge on July 6, 2015
- Representation: Davis Wright Tremain
- Advocacy:
 - [Yo.YourHonor.Org](#)
 - [PACER Postcards](#)
 - Signed Cards, Batches [1](#), [2](#), [3](#), [4](#), and [5](#).

6.9. Judiciary Committee, U.S. House of Representatives

- [Letter of Invitation](#) (January 14, 2014)
- [Testimony of Carl Malamud](#) (January 14, 2014)
- [Request for Updated Information](#) (July 20, 2015)
- [Public Resource response to request](#) (November 20, 2015)

7. Press and Speeches

7.1. Georgia

- ABA Journal, July 24, 2015, [Georgia sues Carl Malamud group, calls publishing state's annotated code of laws online unlawful](#)

- Ars Technica, July 27, 2015, [Georgia sues legal rebel for posting state's copyrighted law online](#)
- Associated Press, July 28, 2015, [Georgia sues over distribution of state law annotations](#)
- Associated Press, September 14, 2015, [Georgia countersued over distribution of law annotationD](#)
- Atlanta Journal Constitution, September 15, 2015, [Georgia's legal battle with public records advocate deepens](#)
- Atlanta Journal-Constitution, July 28, 2015, [Georgia accuses transparency activist of using 'strategy of terrorism'](#)
- Boing Boing, July 24, 2015, [Georgia sues Carl Malamud, calls publishing state laws "terrorism"](#)
- Boing Boing, September 19, 2015, [Countersuit: Georgia can't copyright its laws](#)
- Courthouse News Service, August 4, 2015, [Georgia Seeks to Block Web Publication of Laws](#)
- Daily Law Reporter, July 28, 2015, [State Says Annotated Official Code Is Copyrighted](#)
- Daily Law Reporter, September 23, 2015, [Public Records Group Countersues Georgia in Copyright Fight](#)
- Engadget, July 26, 2015, [Georgia sues man for posting annotated state laws online](#)
- Georgia Assembly, July 29, 2015, [Rep. Johnnie Caldwell Issues Statement on Copyright Lawsuit](#)
- Georgia Public Radio, July 31, 2015, [Think you can post Georgia's state laws for free? Think again](#)
- LA Times, July 27, 2015, [Georgia claims that publishing its state laws for free online is 'terrorism'](#)

- Liberty Upward, July 31, 2015, [Editorial Legal Review: The State of Georgia vs. Carl Malamud and Your Right to Access Government Documents](#)
- Lost in the Stacks, September 18, 2015, [Episode 272: "Open Sourcing America's Operating System"](#)
- National Law Review, July 29, 2015, [Georgia Becomes the First State to Mount a Direct Challenge Against Unauthorized Publishing of Annotated Code](#)
- New American, July 31, 2015, [Georgia Sues Website for Publishing the Laws of Georgia](#)
- Slashdot, July 25, 2015, [Georgia Lawmakers Sue Carl Malamud For Publishing Georgia Law](#)
- State Scoop, September 29, 2015, [Open gov advocates face obstacles when publishing state codes](#)
- TechDirt, July 24, 2015, [State Of Georgia Sues Carl Malamud For Copyright Infringement For Publishing The State's Own Laws](#)
- TechDirt, July 27, 2015, [Even If The State Of Georgia Can Copyright Legal Annotations, Should It?](#)
- The Register, July 25, 21015, [US State of Georgia sues 'terrorist' for publishing its own laws ... on the internet](#)
- US Glass Magazine, July 28, 2015, [Who "Owns" Legally Binding Construction Codes?](#)
- WABE - Atlanta's NPR Station, July 28, 2015, [Georgia Sues Website For Publishing State's Annotated Laws](#)
- Young Turks, July 27, 2015, [State Sues Activist For Terrorism For Posting THE LAW](#)

7.2. IRS

- Boing Boing, June 30, 2015, [IRS finally agrees to do something about its \\$1.5 trillion nonprofit database](#)

- Chronicle of Philanthropy, January 15, 2015, [Key Court Victory Closer for IRS Open-Records Activist](#)
- Chronicle of Philanthropy, June 8, 2015, [IRS Releases Tax Forms of 9 Nonprofits in Computer-Readable Format](#)
- Chronicle of Philanthropy, June 30, 2015, [IRS Plans to Begin Releasing Electronic Nonprofit Tax Forms Next Year](#)
- Inside Philanthropy, June 22, 2015, [Free the 990! Why Searchable Tax Forms Are Way More Important Than They Sound](#)
- Law 360, January 30, 2015, [Transparency Group Wins IRS Docs In New Format](#)
- Nonprofit Quarterly, July 1, 2015, [IRS Formally Bows to Campaign for Machine Readable 990s—But the Change Needs You!](#)
- Philanthropy News Digest, June 16, 2015, [IRS Releases Computer-Readable 990s of Nine Nonprofits](#)
- Pittsburgh Tribune, January 15, 2015, [Likely ruling could pressure IRS to provide nonprofits' e-filed forms](#)
- Pittsburgh Tribune, June 29, 2015, [Advocate pushes IRS on nonprofits' tax forms](#)
- Pro Publica, February 3, 2015, [Form 990 Documents Return to Nonprofit Explorer](#)
- Sunlight Foundation, April 29, 2015, [Recent court decision supports better open data on America's nonprofits](#)
- The Foundation Group, January 30, 2015, [Carl Malamud Wins Legal Battle Vs. IRS](#)
- The NonProfit Times, February 2, 2015, [Judge Orders Form 990s Be Digitalized](#)

7.3. The Courts

- Boing Boing, January 11, 2015, [Yo! Your Honor! A Response to the Chief Justice](#)
- Carl Malamud, February 2, 2015, [Pulled Over for Copying U.S. Federal Law: Do You Have a License and Registration for that Law?](#)
- Carl Malamud, April 8, 2015, [The Road to Change](#)
- Electronic Frontier Foundation, April 29, 2015, [Help Free PACER in San Francisco and New York This Friday](#)
- Information Today, April 21, 2015, [May 1 Named National Day of PACER Protest](#)
- MIT Center for Civic Media, April 7, 2015, [Yo! Your Honor! Carl Malamud's Fight to Make Public Law Public](#)
- TechDirt, April 27, 2015, [San Franciscans: Please Join Carl Malamud's Campaign To Help Free Up Court Documents](#)
- Technical.ly DC, April 20, 2015, [Carl Malamud's crusade to fix PACER](#)
- The Berkeley Blog, May 28, 2015, [Citizens Appeal to the Courts: Free Your Documents](#)