



Public Works Projects for the Internet

April 15, 2008

The Honorable Dexter A. Johnson  
Legislative Counsel of the State of Oregon  
Legislative Counsel Committee  
The State of Oregon  
Attn: Mr. Sean Brennan, Esq.

Re: The Legislative Counsel's Web Site

Dear Mr. Johnson:

I am writing in reference to your assertion in your April 7, 2008 letter to Mr. Tim Stanley in which you stated "the entirety of the Oregon Revised Statutes is freely available online at the Legislative Assembly's own website" as justification for requiring Mr. Stanley and other groups to remove copies of Oregon Law from the Internet.

For your convenience, this letter and our other correspondence may be accessed at the following location:

<http://www.scribd.com/groups/view/7303-oregon-legislative-counsel>

As you know, the general goal for public access to the public law of Oregon as stated in 2005 ORS 173.763 is that the law "shall be made available to the public through the largest nonproprietary, nonprofit cooperative public computer network. The information shall be made available in one or more formats and by one or more means in order to provide the general public in this state with the greatest feasible access." Assertions of copyright are merely tools to aid in cost recovery and only to the extent that the cost recovery is within the context of your public access obligations.

I am sorry to report that the Legislative Counsel Committee's own website does not meet broadly accepted standards of functionality and validity. The Oregon Revised Statutes portion of your web site was submitted to Markup Validation Service, the independent testing and certification arm of the W3C, the standards-making body for the World Wide Web. Unfortunately, the results show 503,482 HTML errors in the code of the Oregon Revised Statutes.

In addition to not meeting the core basic requirements of the HTML standards, your site is also noncompliant with Section 508 accessibility requirements, and do not make use of Cascading Style Sheets (CSS), a commonly accepted "Best Practices" standard as specified in REC-CSS1-19990111 et. seq. Such blatant noncompliance with HTML and other required standards mean that your web site may not display properly on some computers and is likely to pose significant obstacles to those with handicaps or older computers, such as those with low incomes.

In addition to these numerous blatant code violations, the Legislative Counsel web site is sorely lacking in basic functionality. Open government data principles mandate that the goal of broad public access to public records can only be met if the data are available in bulk, and in a timely, accessible, and machine-processable fashion. Further, your HTML files are lacking required metadata such as keywords, author, description, and other information optimized for search engines. Your site has a robots.txt file prohibiting access to your search engine interface by sites such as Google and you do not conform to the broadly accepted "sitemap" standards which make sites more visible to these search engines.

Your HTML files also do not have any internal markup to allow direct access to individual sections of the code, again a "best practices" standard followed by the vast majority of modern legal systems. In addition, your HTML files do not contain either internal links to other ORS sections cited or external links to other laws and to court decisions.

With numerous code violations and a site that is an eyesore, this low-income hosting being provided the public does not further the rule of law. As citizens, we are presumed to know the law, and the aims of broad dissemination can never be met with a single web site. Aggressive pursuit of obstacles to redistribution run directly counter to the basic principles of the Internet and your statutory obligation to provide broad access. Your policy objectives would be far better met by allowing the Internet and the legal information community to supplement your efforts and build new tools that make the Oregon Revised Statutes available in a much more comprehensive and systematic fashion.

Sincerely yours,

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