

From: Carl Malamud <carl@media.org>
To: "Bridy, Annemarie (abridy@uidaho.edu)" <abridy@uidaho.edu>
Subject: Idaho Code Project
Date: December 15, 2014 at 11:55:03 AM PST

Hi -

Did you get the package of printed materials I sent you (to the Moscow address)?

Carl

On Dec 15, 2014, at 11:23 AM, Bridy, Annemarie (abridy@uidaho.edu) <abridy@uidaho.edu> wrote:

Jordan and Randi,

I'm attaching some additional background materials for the project, including the packet that Carl sent to Idaho officials following receipt of the DMCA takedown notice from Hawley Troxell and a sheaf of materials produced by the state in response to an open records request from Carl. I was surprised (though, on reflection, I'm not sure why) to discover that Lexis-Nexis is at the bottom of the push for exclusivity.

Have you both registered for Directed Study credits for Spring? If not, please do so when you get past finals.

Let's plan to meet during the first week of classes and to set a time for semi-weekly meetings thereafter. It will be a push to get a preliminary briefing together by mid-February. Given that classes don't start until the second week in January, that's an aggressive timeline. We should use Representative Rubel's letter as a template for the report. She asked some specific questions that you will need to be prepared to answer. Think of how that letter might translate into a structure for the report/white paper.

Happy holidays!

AB

-----Original Message-----

From: Carl Malamud [mailto:carl@media.org]
Sent: Tuesday, November 25, 2014 11:57 AM
To: Bridy, Annemarie (abridy@uidaho.edu)
Cc: Jordan Stott; Schumacher, Randi (randi.schumacher@vandals.uidaho.edu); Ball, Katherine (ktball@uidaho.edu); Adams, Mark (marka@uidaho.edu)
Subject: Re: Idaho Code Project

Hi Jordan and Randi -

Very pleased to meet you! Professor Bridy asked me to put together some pointers for you if you want to start reading early. I sent a few of my pamphlets to her Moscow address, so those should be waiting for you as well.

The core resources are the letters back and forth between me and the various state officials. I've posted the state codes for several states. Only a few (Idaho, Georgia, Mississippi, and DC) have sent me letters. In addition, we're pressing the State of Delaware on the issue of their purported jail

sentence for copying the corporate code without permission.

Note that I'm going to give you *way* more pointers in this email than you're going to want to read. Don't feel you need to necessarily read everything. :)

Finally, I'm always on email. Don't hesitate to ask me questions!

Best regards,

Carl

The first resources are on my system. The thing to pay attention to are the letters back and forth.

1. All the state codes are on my system and on the Internet Archive (where they are much easier to read) <https://archive.org/details/govlaw>

2. Delaware
<https://law.resource.org/pub/us/code/de/>

3. District of Columbia
<https://law.resource.org/pub/us/code/dc/>

4. Georgia
<https://law.resource.org/pub/us/code/ga/>

5. Idaho
<https://law.resource.org/pub/us/code/id/>

6. Mississippi
<https://law.resource.org/pub/us/code/ms/>

The other resources you might find useful from my system are some speeches and testimony I've given on the general subject of "Edicts of Government":

1. Congressional Testimony
<https://public.resource.org/edicts/>

2. My international manifesto about why the law must be available.
<https://law.resource.org/pub/12tables.html>

3. We had a similar tussle with Oregon a few years back. The paper trail might be useful for you. The legislature unanimously voted to waive enforcement of any copyright assertions. What's particularly impressive about that is a Lewis & Clark law student then took the Oregon Revised Statutes and made a much, much better version. The pamphlet I published goes over some of the legal background (there is one of those in the mail for you)

<https://public.resource.org/oregon.gov/>
http://www.oregonlaws.org/oregon_revised_statutes (compare to the official site!!)
https://public.resource.org/oregon.gov/3revolutions_pamphlet.pdf or
https://archive.org/stream/ThreeRevolutionsInAmericanLaw_284/3revolutions_pamphlet#page/n0/mode/2up

<http://blogs.law.harvard.edu/infolaw/2008/04/16/can-states-copyright-their-statutes/>

4. If you want some more background about promulgation of the law in Roman times, this is a

lecture I delivered at Harvard:

https://archive.org/stream/org_public_resource_tables/tables_pamphlet#page/n3/mode/2up

In terms of external resources, there are two people I'd start with:

1. Erika Wayne is Deputy Law Librarian at Stanford and headed the "National Inventory of Legal Materials" effort which looked at copyright assertions on state resources. The AALL took that over from her and sort of screwed it, so I'd start with Erika.

<https://aallwash.wordpress.com/2012/12/12/update-on-the-national-inventory-of-legal-materials/>
<http://www.aallnet.org/Documents/Government-Relations/2011-2012-Preliminary-Analysis-of-AALLs-State-Legal-Inventories.pdf>

Erica is Erika Wayne <evwayne@stanford.edu>

2. Peter Martin is the founder of Cornell's LII and the former Dean of Cornell Law School. He's a leading expert on citation.

<https://legalinformatics.wordpress.com/tag/copyright-in-statutes/>
Peter Martin <peter-martin@lawschool.cornell.edu>

Finally, you may find some of the journal articles useful. A couple at random (I'd search on SSRN for the topic or use Hein or Google Scholar):

<http://slr.oxfordjournals.org/content/27/3/185.extract>
<http://heinonline.org/HOL/LandingPage?handle=hein.journals/uclalr36&div=29&id=&page=>

(Anything by Craig Joyce is wonderful ... especially this history of Wheaton v. Peters:

http://papers.ssrn.com/sol3/papers.cfm?abstract_id=801226

<Public.Resource.org Packet to Idaho Officials.pdf><Malamud Open Records Request Docs.pdf>

<mailto:MessageHeader:6762031578 Message-ID: 1A8417F-2EEF-4052-B62F-922CE5122C0@media.org> References: [BNVPR001MB1129C3B03178AD44E0F838B760@BNVPR001MB1122.sapp001.prod.outlook.com,866C368-9C56-40ED-A14F-748225AC24F3@media.org,CY1PR0401MB113A301AD2A6481EB811E798B040CY1PR0401MB1130.sapp001.prod.outlook.com] In Reply To: CY1PR0401MB113A301AD2A6481EB811E798B040CY1PR0401MB1130.sapp001.prod.outlook.com From: malamud, Address: 6762031578@Caf.Malamud.org [mailto:Address:6762031578@Caf.Malamud.org] To: [malamud, Address:6762031578@Caf.Malamud.org] Subject: Re: Idaho Code Project Contact Type: text/plain; charset=utf-8 X-Spam-Source: smp.essence.org; Content-Transfer-Encoding: quoted-printable; Mime-Version: 1.0 (Mac OS X Mail 3.1 (9999)) X-University-Unique-Identifier: 0FC78B51-F5B2-4B65-84E3-A5B284BE403E>