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Public Works Projects for the Internet

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Dear Sirs:

I am writing in reference to the JURIS Database, a database of public domain legal materials developed by the Air Force and then by the Department of Justice. In 1998, the Linguistic Data Consortium, which is an activity of the University of Pennsylvania, obtained a copy of this corpus of information and appears to have the only copy left.

The JURIS Database is an important public domain database, particularly for those of us in 501(c)(3) nonprofit organizations dedicated to making U.S. case law and codes widely available on the Internet for use without restriction. We work closely with our colleagues in academia and the information we make available is used without restrictions by the general public as well as public interest lawyers, government lawyers, and others without access to high-priced commercial services.

When we discovered that LDC had a copy of JURIS, we purchased the 2-CD set from them for \$800. We have repeatedly asked them to allow us to re-distribute this public domain information to the general public and they have repeatedly refused such permission because they claim that they are prohibited from doing so by the Department of Justice.

With the assistance of the Electronic Frontier Foundation, we followed up on the matter with a FOIA request to the Department of Justice and they responded quite clearly that there were no restrictions on the use of this material. You may find our correspondence with the Department of Justice at the following URL:

<http://www.scribd.com/groups/view/8958-justice-management-division>

As the Linguistic Data Consortium has been unresponsive to repeated requests for clarification and as we wish to avoid legal action over this matter, we are appealing to you in the Office of the General Counsel for your assistance in resolving this matter in an amicable fashion.

The Linguistic Data Consortium has registered an ISBN Number for the JURIS “Product” (ISBN 1-58563-135-3, LDC Product Number LDC98T32), but LDC has not claimed nor registered copyright over the materials. Because the material is clearly public domain, and was stated to be so by the Department of Justice, we are unclear why a tax-payer supported institution such as the University of Pennsylvania would attempt to prohibit us from distributing this material.

As stated above, we feel the JURIS database, containing approximately 2 million pages of federal legal materials, is of compelling public and historical interest. It was developed by the Air Force and the Department of Justice with taxpayer dollars and contains materials that are not otherwise available on the Internet. We seek no commercial advantage from this data and are in fact make it available to the government and university libraries.

While we understand the research purpose of prohibiting redistribution of a corpus by the Linguistic Data Consortium as a tool for managing potential donor relations, we respectfully submit that such an assertion is neither justified nor supported by the law in this case. The LDC charter makes explicit provision for cases such as this, stating “In some cases LDC information providers do not archive their own data, or else archive it in an inadequate format. In those cases, LDC becomes the best, or only, source of archival information. In such cases LDC offers free copies of digital data archives back to the original providers.” The provider is clearly the U.S. taxpayer and there is no compelling reason for LDC to prohibit redistribution of this public information.

The data in question are public data, and we have hoped that our multiple attempts to engage the LDC in a dialogue, our activities to clear up any doubts about the Justice Department claims, and the fact that this activity is noncommercial and the data are of compelling public interest would be enough to clear this matter up amicably. However, in over 6 months of attempts, we have failed in our attempts to get the LDC to take this matter seriously.

Your assistance in clearing up this dispute would be greatly appreciated.

Respectfully yours,

Carl Malamud
President & CEO
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