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July 24, 2008

Carl Malamud
President and CEO
Public.Resource.Org, Inc.
1005 Gravenstein Highway North
Sebastopol, CA 95472

Dear Mr. Malamud:

As a courtesy, I have enclosed a copy of a letter I sent today to the U.S. Department of Justice. If, after giving the Department of Justice a reasonable period of time to respond to my letter, the Linguistic Data Consortium ("LDC") has not heard an objection from the Department of Justice, LDC will offer in writing to waive the contract clause that prohibits Public.Resource.Org from copying, redistributing, transmitting, publishing or otherwise using the materials released to LDC as part of JURIS that originated with a federal agency. In return, LDC requests that Public.Resource.Org agree that, in the unlikely event a third person contacts Public.Resource.Org or LDC asking that a particular item from the corpus be removed from public distribution or display, for example, Public.Resource.Org will take reasonable steps to remove that item until LDC and Public.Resource.Org can determine the merits of the third person's request. LDC does not anticipate receiving any such request, but, since LDC cannot be certain that only federal government materials were released to LDC back in the mid-1990s, it seems prudent to ask for your cooperation in return for waiving the restriction.

Thank you for bringing this matter to LDC's attention. Although I don't agree with all of the statements and assertions in your June 6, 2008 letter, I am optimistic that we will be able to accommodate your request for a waiver from a term in the contract that you signed. We look forward to a wider distribution of the materials supplied by the federal government to LDC as part of the former JURIS database.

Sincerely,

A handwritten signature in black ink that reads "Robert F. Firestone".
Robert F. Firestone

cc: Linguistic Data Consortium, University of Pennsylvania



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Vance E. Hitch
Chief Information Officer
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001

RE: Justice Department Retrieval and Inquiry System (JURIS) Database

Dear Mr. Hitch:

I am following up on your May 5, 2008 letter to Marcia Hoffman at The Electronic Frontier Foundation, responding to a FOIA request dated December 18, 2007 regarding communications between the DOJ and the University of Pennsylvania Linguistic Data Consortium ("LDC") concerning the JURIS database. You wrote that DOJ had "no records of communications with the University of Pennsylvania Linguistic Data Consortium", but that "it is not [DOJ's] practice to place restrictions on reuse of documents provided to FOIA requesters."

LDC also has not been able to locate an original document containing restrictions on how LDC could use materials from JURIS that were sent to LDC around 1994 and again around 1996. LDC believes that the University of Pennsylvania submitted a FOIA request to DOJ in 1993, seeking only those materials from JURIS that were provided to JURIS by DOJ and other Federal agencies and were public records. LDC does not believe that it ever received any materials formerly part of JURIS that were licensed to DOJ by the West Publishing Company. As you wrote to Ms. Hoffman, "[p]ortions of the JURIS data base that were provided to JURIS by Federal agencies, on the other hand, were made available to FOIA requesters in the 1990s", and we believe this included LDC.

Mr. Carl Malamud, the President of an organization called Public.Resource.Org, Inc., entered into a contract with LDC and obtained a copy from LDC of that portion of the JURIS data base that LDC received in the 1990s on behalf of DOJ (the "Federal Materials Portion of JURIS"). LDC's contract restricts recipients to use the Federal Materials Portion of JURIS only for non-commercial linguistic education and research purposes, and does not allow recipients to disclose, copy or redistribute the materials to others outside the recipient's research group. Mr. Malamud has now requested that LDC waive that contract restriction regarding the Federal Materials Portion of JURIS, so his organization may post the Federal Materials Portion of JURIS on publicly accessible web sites.

Until now, LDC had always believed that DOJ had placed restrictions on how LDC could distribute the Federal Materials Portion of JURIS, although the LDC individual who apparently made the FOIA request to DOJ in the 1990s no longer works at LDC. As a result of Mr. Malamud's inquiry, LDC has combed its records yet again. LDC also cannot locate any document or correspondence

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containing any such restriction, and LDC now believes that it received the Federal Materials Portion of JURIS in response to a FOIA request and without any restrictions.

LDC obtains hundreds of corpora from many different public and private contributors interested in scholarly linguistic research and education. Many of these corpora are provided with a variety of different conditions placed on how LDC may use or distribute the corpus, and LDC tries very hard to adhere scrupulously to the conditions agreed upon. By gaining a reputation of respecting the limitations from previous contributors, LDC has been able to obtain valuable corpora from additional contributors. LDC has been trying, apparently mistakenly, to adhere to what it believed may have been restrictions that DOJ had placed on the reuse and redistribution of the Federal Materials Portion of JURIS. However, it now appears that neither DOJ nor LDC can locate any communications between us with any restrictions on reuse or redistribution of the materials LDC received.

Therefore, in about thirty days, LDC plans to waive the restriction in its contract with Public.Resource.Org, Inc., and not prohibit Public.Resource.Org, Inc. from further copying or redistribution of the materials the federal government provided to LDC during the 1990s from JURIS. If the Department of Justice has any question or objects, please contact me within the next 30 days. Thank you for your attention to this matter.

Sincerely,

Robert F. Firestone

cc: Hon. Michael B. Mukasey, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530-0001