Public.Resource.Org

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United States

Shuttleworth Fellowship—Application for the March 2017 Intake

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Name*

Carl

First Name

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Last Name

Email*

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Date of Birth*

02 Jul 1959

Gender*

⊙ Male

◯ Female

◯ Rather not say

Nationality

United States

1) Tell us about the world as you see it.*

I see a world consumed by violence. Not just the violence of the state against it's own citizens or foreign peoples, not just the violence of terrorism, or the violence of individuals against individuals. I see a violence against our planet of pollution and global warming, a violence of poverty and disease. Our world made economic inequality a problem that has become worse not better, political opportunity a privilege for a few. Finally, I see a violence against knowledge. Despite the great promise of the Internet, we have not risen to task of making universal access to knowledge a reality for all.

We have always had violence, this is not something we can "solve." But, by applying the rule of law, we can cure some of our problems. Slavery and servitude met the US 13th Amendment and the Indian Emigration Act. Suffrage met the right to vote. Segregation met the end of apartheid.

For the rule of law to mean something, we must meet 3 conditions. We must write the laws down, we must publicize those laws, and our laws must be general, applying to all equally. While the last condition is the hardest, the seemingly obvious condition of making the laws public has often not been met.

John F. Kennedy said "if we make the peaceful means to revolution impossible, the violent means of revolution will be inevitable." Too often, we have made those peaceful means impossible, but this is something we can change.

2) What change do you want to make in the world?*

I think our world needs many changes. As Martin Luther King said in his Vietnam War speech, we "must undergo a radical revolution of values."

There is one precise change I focus on, and that is Code Swaraj. Hind Swaraj was the Indian Self-Rule campaign led by Gandhi. I think in our modern world, we must have Code Self-Rule. Edicts of government—the primary legal materials that define our rights and responsibilities in our democracy—must be available to freely read and speak. We own our laws, but today those laws are often hidden behind pay walls in walled gardens and require a license to speak.

The area I focus on most intently is technical standards incorporated into law, the code that defines public safety in our modern world. It is essential that the world of standards-making move from a closed, proprietary model to one where standards are our rulebook that we may all freely consult.

Technical codes and standards are a subset of edicts of government. Edicts also include government regulations, court opinions, acts of the legislature, and a slew of bylaws, ordinances, and other rules. All of these must be open and we as a citizenry must work with those materials to be able to reformat them and thus better inform our fellow citizens. We must also be able to work with these materials to inform our government how our laws can be made better and more effective.

We cannot have the rule of law unless we can read the law. That is the change I wish we can be in the world.

3) What do you believe has prevented this change to date?*

It is tempting to blame the establishment because our laws are locked behind a wall or hidden in a drawer. We can blame the legal publishers in particular, and the publishers of knowledge in general, we can blame the lawyers, our system of justice, the way we sell political power instead of practicing participatory democracy. We can blame Wall Street.

But, the fault is really ours. Gandhi says that "in the dictionary of Satyagraha, there is no enemy," and I agree. Our system of government has developed over hundreds of years and has not yet met the challenges of the Internet age. It is our job to show the world that the laws can and must be made available. We as a community have not coalesced around a precise and understandable goal and then worked systematically, as Justice Ranade said, to educate ourselves and put our rulers on notice.

The idea that the laws must be public is an age-old principle, dating back to the Twelve Tables of Rome and the Pillars of Ashoka. If we wish to achieve Code Swaraj, we must

educate ourselves and our rulers on why this principle can and should be achieved in the world of the Internet and why this will make our democracy function more effectively and justly.

4) What are you going to do to get there?*

I've spent 25 years working with government information. My basic technique is a simple one: I show by doing. Since I began working with government information, I would speculate I have posted on the Internet for the first time several hundred million pages of documents.

The key to convincing government to do a better job is to do a better job for them, such as rekeying a PDF file into HTML, redrawing diagrams, or exposing previously hidden files by placing them on a more public location such as the Internet Archive. I spend a tremendous amount of time pulling data from behind arcane interfaces and placing it on better interfaces.

Merely running a database however will not solve our problems. Indeed, it will make it worse. When I ran the Securities and Exchange Commission database, everybody was very comfortable having me handle the problem. I wanted the government to take it over, and that required moving from the world of coding to the world of change.

As King said "change does not come rolling in on the wheels of inevitability, it comes only with continuous struggle." That requires aggressive petitioning and litigation, and a careful, focused campaign of satyagraha. Most importantly, we must build a movement focused on common goals, using the tools we have learned on the Internet to reach out and take control of our governments.

5) What challenges or uncertainties do you expect to face?*

I can't speculate about specific challenges in the future, but I can tell you what I have faced in the past.

Last year, we had 23 days of depositions. Three were against me. We just had a 4-hour oral argument in the DC District Court with 17 lawyers—5 for me and 12 for the plaintiffs—in front of the judge for 4 hours.

As you may infer, the plaintiffs don't like me very much. They think they need to own the law because they want the money and they want control through a statutory monopoly supposedly bequeathed unto them.

The code people are being greedy. They already derive great financial benefit from their central position in an important segment of law-making. Underwriters Laboratories, for example, has a $2 billion certification revenue stream and has no need to restrict access to the legally-mandated standards that certification is base on. But, the code people have dug in and are fighting hard.

The biggest uncertainty is also the most important one. By pressing the point aggressively, we may force a decision and that decision might be that the code people will prevail. A court may well decide that the law is indeed private property.

However, I have faith in our democracies throughout the world, I think this fight is just, and we must, to paraphrase the Prophet Amos, make the law flow like water so that justice may pour forth like a mighty stream. We cannot concede this struggle, though it may be a long one.

6) What part does openness play in your idea?*

Certain things are public things and belong to us all. There is nothing more public in a democracy than the law. Openness is the core of the rule of law. If we can establish clearly and firmly that if a law isn't public, it isn't a law, there are many direct effects including a better-functioning system of justice, a more inclusive form of participatory democracy, and a more meaningful system of technical codification to protect the public safety. Opening our rule book, declaring unequivocally that the law belongs to the public, also has a broader effect. Our public domain is under attack, with rampant expansions of copyright and rapacious greedy corporations claiming title to knowledge that is our common property. By establishing a beachhead in edicts of government, perhaps we can broaden our campaign to reclaim and expand access to other forms of knowledge. The problems facing our world are huge, and this particular form of satyagraha is trivial compared to the struggles against slavery, servitude, sharecropping, segregation, and suffrage that developed these techniques. Yet, I believe firmly that we must make our laws more broadly available as a necessary but not sufficient condition to making our world better. John Adams said that for democracy to function, our citizenry must be fully informed and participate in the

government we own. He said that we must "let every sluice of knowledge be set a-flowing." Universal access to knowledge is the very essence of openness.

7) Does your idea/project have a name?*

Project/Idea Name

Code Swaraj

8) Have you started implementation of the idea?*

◉ Yes!
◯ No.

9) How have you funded your initiative in the past?*

Financials are available at https://public.resource.org/about/

- Support for our 2016 activities is provided by Arcadia Fund, Kahle/Austin Foundation, Fastcase, Justia, Elbaz Family Foundation, and Carl Malamud

- Support for our 2015 activities was provided by Arcadia Fund, Elbaz Family Foundation, Kahle/Austin Foundation, and Carl Malamud.

- Support for our 2014 activities was provided by Arcadia Fund, Justia, and Elbaz Family Foundation.

- Support for our 2013 activities was provided by contributions from Elbaz Family Foundation, Jerry Goldman, and Ted Wang.

- Support for our 2012 activities was provided by Google.Org, Elbaz Family Foundation and Cutts Foundation.

- Support for our 2011 activities was provided by a Project 10^100 Award from Google with support for YesWeScan case law rekeying from the community.

- Support for our 2010 activities was provided by Dale and Nancy Dougherty, Elbaz Family Foundation, Google, Justia, Mitchell Kapor Foundation, Alexander Macgillivray, O'Reilly Foundation, Hal Varian and and Bob Young/ The Beal Fund.

- Support for our 2009 activities was provided by Justia, and Sunlight Foundation.

- Support for our 2008 activities was provided by David Boies, Creative Commons, Elbaz Family Foundation, Google, Justia, Omidyar Network, and Sunlight Foundation.

- Support for our 2007 activities was provided by Elbaz Family Foundation, John Gilmore, Google, Mitchell Kapor Foundation, Omidyar Network, Saal Family Foundation, Ralph "Jake" Warner, and Yahoo.

10) Who are your current or potential key partners?*

First, I want to explain Public.Resource.Org, Inc.

We're a California-based 501(c)(3) nonprofit with one full-time employee, 3 very talented contractors, 4 active board members, and best current practices for governance and finance. We're small, but we're very real and we punch far above our weight class. O'Reilly Media gives us great work space at below-market rates and my systems have been hosted at the Internet Systems Consortium for over 20 years (I was the founding chairman). We work closely with groups such as EFF and the Internet Archive, and our roots in the world of the Internet and open source go very deep.

Some of our most important partners are the 9 law firms and several dozen lawyers that have stood besides us and provided $3.8 million in pro bono help last year. We also have deep ties inside government and work closely with the many public-spirited and capable public servants around the world.

In the course of our legal struggles and as part of posting large amounts of new information on the net, we have worked closely with librarians, archivists, and professors at many leading schools and institutions. The Harvard and Stanford Law School clinics, for example, coordinated amicus briefs for our DC court cases.

My hope in applying for a Shuttleworth Fellowship is that we can learn to broaden this base even further, reaching around the world to like-minded people who would embrace the goals and techniques inherent in the Code Swaraj campaign.

11) Do you intend to implement the idea as a for profit or not for profit initiative?*

○ For profit

⊙ Not for profit

○ Haven't thought about it...

12) Where will you be based during the fellowship?

Base Country*

United States

Base City*

Sebastopol, California

13) Where will you implement your idea?*

⊙ Same as Above

⊙ Online

○ Other country or city

14) Do you have an online presence?*

Please Provide Links to your Web Presence/s

- https://public.resource.org/

- https://law.resource.org/

- https://yo.yourhonor.org/

- https://wwlbd.org/

- https://yeswescan.org/

- https://archive.org/details/FedFlix/

- https://archive.org/details/HindSwaraj/

- https://archive.org/details/publicsafetycode/

- https://archive.org/details/govlaw

- https://archive.org/details/us_congress

- https://archive.org/details/IRS990

- https://archive.org/details/RT-FM/

- https://archive.org/details/governance/

- https://www.flickr.com/photos/publicresourceorg/

- https://www.youtube.com/user/PublicResourceOrg/

- https://www.youtube.com/user/HouseResourceOrg/

- https://www.youtube.com/user/LawResourceOrg/

- https://twitter.com/CarlMalamud

15) Does the idea/project have an online presence?*

⦿ Yes
◯ No

I have written widely about the underlying issues, but do not (yet) have a specific campaign to enlist others into the struggle. Two relevant resources include:

- Testimony before the U.S. Congress on Edicts of Government: https://public.resource.org/edicts/

- An Essay on Twelve Tables of Codes: https://law.resource.org/pub/12tables.html

Upload Resume*

- https://public.resource.org/shuttleworth/resume.20161015.pdf

Link to your video*

The video may be found at the following locations:

- https://archive.org/details/shuttleworth

- https://www.youtube.com/watch?v=nlJCP-W-l00

I acknowledge that:*

☑ This video is purpose made for this application.

☑ This video link points to a video available on a video hosting service like Vimeo or YouTube.

16) Have you applied for a Shuttleworth Foundation Fellowship in a previous round?*

◯ Yes

◉ No

17) How did you hear about the Shuttleworth Foundation Fellowship Program?*

√ Friend

√ Current/Past Fellow

√ On the web

√ In the mainstream media

At a conference

Other

I acknowledge that:*

√ I have read and understood the Foundation Privacy Policy: https://shuttleworthfoundation.org/privacy/

√ I have read and understood the Terms and Conditions of the website: https://shuttleworthfoundation.org/terms/

√ I am above the age of majority in my country of residence and can legally enter into contracts.

√ I understand that the Foundation will require all intellectual property created as part of the Fellowship to be openly lic

√ I understand that if my project has a for-profit element, the Foundation will ask for an equity stake based on the inves

√ I understand that if my application is incomplete in any way, it will not be reviewed. It will be excluded for this round.