# EXHIBIT 2

# Columbia Journalism Review.

# Carl Malamud, Public Printer

## An open source Presidential appointment campaign

It was 1991, in the early days of the Internet. Carl Malamud was thirty-two years old, and deeply embedded in a community of computer engineers and visionaries shaping the world's nascent online architecture as it was being built atop phone lines and in parallel with other global networks.

Many of the technical standards governing those telecommunication systems were laid out in a 20,000-page document known as the Blue Book, covering such communications basics as modems, faxes, and packet switching. The standards were maintained and shepherded by the International Telecommunication Union, a Geneva-based intergovernmental agency. If you were an American engineer, student, inventor, or amateur who wanted a copy, you could buy it for about a dollar a page.

To Malamud and many others, this highly unsatisfactory state of affairs represented a real barrier to innovation and transparency. So Malamud told Tony Rutkowski, a sympathetic ITU official, that he was prepared to scan the Blue Book and put it online, freely accessible to all by anonymous FTP. It was a threat to commit "standards terrorism," as Malamud later put it (http://museum.media.org/eti/); faced with it, the ITU agreed to hand over the standards on nine-track magnetic tape to Malamud for a three-month free download trial.

Soon, the National Science Foundation, whose network was then the backbone of much of the Internet's traffic, complained to Malamud that Blue Book downloads from his server and its mirrors were stressing NSF bandwidth. Given this flood of requests, the ITU's head, under internal pressure, sent Malamud a letter asking him to take the standards down.

"It was pro-forma, and everybody knew it," remembers Rutkowski. "The site had been replicated in a dozen places all over the world and it had been copied thousands of times." Once free, there was no stopping the data.

"It just convinced me of two things," Malamud says, looking back. "One, the power of open standards and why that's so important to society, but also the power of putting large document archives online. Aggressively."

And so, on and off for the last eighteen years, Malamud has been involved in or led a spate of impish efforts to pry public domain information—like building codes, law books, and court records—out of hidebound government entities. Now, via a Web-focused viral campaign, he's unabashedly asking President Obama to make him the nation's twenty-sixth Public Printer and put him in charge of one such very large government entity, the Government Printing Office.

The campaign, such as it is, is centered around Malamud's lovingly named YesWeScan.org (http://www.yeswescan.org/), where he lays out his platform and collects endorsements. At first blush it doesn't look so different from any political campaign site, except that, in the end, it's targeted at a single voter. "The best I can do is make my case," says Malamud. "This is up to a fickle selectorate, if you will."

"I have never in my life been asked to endorse a candidate for appointed office," says OMB Watch executive director Gary Bass, a longtime fixture in Washington's transparency and good government communities, who is supporting Malamud's effort. "That's not the way it's usually done."

But who said Malamud was very concerned about the way things are usually done? In 1993, in an early domestic example of what *The Atlantic*'s James Fallows once described (http://jamesfallows.theatlantic.com/archives/2007/03/another_win_for_carl_malamud_o.php) as his "guerrilla/jiujitsu approach," Malamud was part of a team that coaxed vital data out of the Securities and Exchange Commission. The group then hosted the information on its own computer, upon which thousands of users—regulators, financiers, investors—came to depend.

And then the team put a notice on the portal, warning that the site—and visitors' easy, free, access to data—would disappear in sixty days. Users were invited to click to learn more about the situation, and to contact the SEC.

"And people clicked," says Malamud. The SEC brought the system under its wing. The database, known as EDGAR, runs to this day, and remains one of the most user-friendly online government databases.

In just the last two years, Malamud, as the sole staffer of Public.Resource.Org (http://public.resource.org/), a 501c3 nonprofit based in Sebastopol, California, has posted over 80 million pages of legal documents on his Web site, many of them federal appeals court decisions. He's also freed (http://public.resource.org/justice.gov/index.html) from private control the only remaining copy of a massive Navy-created database of legal decisions, placed (http://bulk.resource.org /codes.gov/) building codes from all fifty states online, and convinced (http://public.resource.org /oregon.gov/index.html) the Oregon legislature to cease claiming copyright over the state's laws. It's all been done by pointing out that documents created at public expense are, under U.S. law, considered the property of the public.

"Ultimately my goal has always been policy change, and that's something that some people don't get. They think that this is all about shaming the government, and it's not," says Malamud. "Wanting to run GPO is the ultimate in policy change, because then I'm not telling GPO how to do it right, I've actually got the ability to do it right."

You may never have heard of it, but the GPO does a lot. They administer the Federal Depository Library Program, manufacture the nation's passports, host a slew of online databases, and run a 1.5 million square foot plant in downtown Washington that prints the Congressional Record and the Federal Register, among other documents.

Malamud wants it to do more. He has a broad agenda for the GPO, which he briefly lays out in a seven point platform on YesWeScan.org. (Points three and five are both "Jobs," perhaps in a concession to the times.) His position papers—repurposed from earlier submissions to the Obama transition team—lay out an agenda spanning the ambitious and the obvious. Why not create an art-book quality "Library of the U.S.A." whose writers, editors, and printers could count towards the administration's job creation promises? What if the GPO enabled streaming video for all agency hearing rooms? Why not post 55,000 government produced (and therefore copyright free) archival films and photographs in the next year? What if the full collections of the National Archives were digitized? Why not design a more user-friendly online Federal Register, one that's linkable, easier to read, and cross-referenced with hyperlinks? Why not make the GPO a leader and a nexus in efforts to make bulk data widely available?

While Malamud has plans for the agency, he's neither a former congressional staffer, major political donor, or presidential buddy, nor has he held a senior government position. So how does Malamud think he might get the appointment?

Malamud points to another government outsider. Enter Augustus E. Giegengack, Franklin Roosevelt's colorful Public Printer.

*The New Yorker* described Giegengack, in a magnificent three-part 1943 profile by Geoffrey Hellman, as "a connoisseur of girls, beer, and anecdote." He worked in or managed a series of newspaper and commercial printing plants before finding himself in Europe as an army sergeant in the First World War, where he won the job of running *Stars and Stripes*'s Paris-based press. Fifteen years later, at the dawn of a new administration, he waged a successful campaign to become Public Printer.

The YesWeScan.org website sets Carl as Gus 2.0, if you will, down to balancing Malamud's Shepard Fairey-style "SCAN" poster with a charcoal cartoon portrait cribbed from Gus's *New Yorker* profile. And Malamud is relying on Giegengack's by-the-bootstraps tale to power his way into the GPO. Here's how he told the story in an online interview (http://cachefly.oreilly.com/broadcast/2009/02/carl-malamud-128kbps.mp3), shortly after launching his campaign:

> *He was what you would call a regular apron man. A real working printer. Blue collar. When FDR was elected, Augustus was a New York resident and he was really inspired and he wanted to become Public Printer of the United States. But he didn't know FDR. So he went and spoke at a couple of Rotary clubs and asked everybody to send him endorsements and they all sent him these letters of endorsements, and he bound them up and sent them to FDR. He knew a guy who worked in the White House who knew somebody who knew somebody, and they sent it in. And FDR looked over the book and said, "Well, this is our man."*

What Malamud's retelling neglects to mention is that the guy who took the bound letters, the guy "who

knew somebody who knew somebody," was James Farley, FDR's campaign manager; after the 1932 election, the president installed him as Postmaster General and chair of the Democratic National Committee. Giegengack got to know Farley by joining his Long Island bedroom community's Democratic local, and then engineering a major fundraising dinner in Farley's honor.

"He's a totally different kind of person," Malamud admits. "But I was inspired by the story." Still, he points to his relationship with John Podesta, who led the Obama transition team, and has his fingers in many Washington pots.

The two met in the summer of 1993, when the Clinton White House contacted Malamud, then running an Internet radio broadcast from a few blocks away at the National Press Club, for assistance in setting up a infrared link for an online demonstration. ("They asked whether I could see the White House lawn from the press building, and we went up to the roof, and we could," remembers Malamud.) He later served as the Chief Technology Officer of Podesta's Center for American Progress, where he mixed policy work with upgrading and overseeing the nonprofit's computer systems.

Alas, when *The New York Times* recently asked (http://www.nytimes.com/2009/02/13/us /13records.html) Podesta about Malamud's efforts to earn an appointment, they got a non-committal "He would certainly shake things up."

There's another big difference between Malamud and Giegengack. Giegengack was a press and ink printer—he'd managed several print operations with staffs numbering into the hundreds; by the time of his appointment, he'd held the presidencies of the International Association of Printing House Craftsmen and the New York State Typographers Association.

In fact, 44 USC Sec. 301 explicitly says that the Public Printer "must be a practical printer and versed in the art of bookbinding."

But as Malamud points out, like many an ambassador whose diplomatic qualifications stop at having a well-stamped passport, the requirement has often been ignored or lightly enforced.

"I'm doing a positive campaign, but go look at the current Public Printer's resume, and look at how many years he spent as a congressional aide and in office, and I think you'll find—he designed menus in high school. That's what he did," says Malamud.

In any case, Malamud is ready to tick off his qualifications.

"I typeset all eight of my books. I worked in newsrooms, I have run Linotypes. Actually my first book, I typeset running troff (http://en.wikipedia.org/wiki/Troff) on a Windows 3.1 machine and hooking it up directly to a film based type setter," said Malamud. "I created the first radio station (http://museum.media.org/radio/) on the Internet. I think that's skilled in the publishing arts and, as we know, that language is more general than simply printing.

"Most importantly, when it comes to publishing government information, I published in 2008 32.4 million pages, and so far in 2009 I've published 50 million pages. So I think by the definition of printing today, I definitely am skilled.

"And I would hire a very skilled deputy public printer who really understood production printing. I'm no dummy."

Malamud is working hard on rallying a posse to support his bid.

He's asking the public (and potential endorsees) to vet him, and, on his Web site offers a handy timeline (http://public.resource.org/timeline/) of his writings, press clips, and other documents that might illuminate his life (in 1986, he spent a year at Georgetown Law netting (http://public.resource.org/archive/1986_07_11_george.pdf) two B-pluses and an A-minus). He's held a Twitter rally, where, shortly before doling out a thirteen-part speech (http://legalresearchplus.com /2009/03/09/twitter-rally-transcript-yeswescan/) in 140 characters or less, he recommended attendees stream a Marine band performance (http://www.archive.org/details /PatrioticMedleyFeaturingTheMilitaryBands) of Fanfare for the Common Man, among other tunes available from the Library of Congress's public domain collection.

And he's collecting endorsements from the lights of the technology focused transparency movement, like Stanford law professor Larry Lessig, and Ellen Miller of the Sunlight Foundation, which supports CJR's transparency reporting. Those will be compiled, along with about a thousand other endorsements that Malamud has collected—tweets, blog posts, e-mails, and maybe even Facebook campaign friends—into Giegengack style books. They'll be available for public download, and he plans to FedEx them to the White House personnel director, and to give copies to people he knows who work for or are close to the president, including Podesta.

"If they like the book, maybe they will shuttle it over to someplace that matters," says Malamud. "There is at least a possibility that the people appointing this position might think it's time for a change."

Malamud says he won't stop his campaign until he or someone else is appointed public printer—and he admits the latter scenario is "highly likely." Even if he doesn't get the job, he sees reasons to be pleased with the campaign.

"We've had a couple of very successful outcomes so far. A good five, ten thousand people, maybe much more, now know what the Government Printing Office is and what it does. There's a thousand people who care enough about this to want to influence this agency. I think that's really key," says Malamud. "It's been a valuable exercise if nothing else."

"I want the job and I'm willing to be patient. If they want to come back in three years, I'll probably still do it then," he says. "And I'll continue to do GPO-like work anyway."

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