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Honourable John Manley,

I am writing to introduce myself as a constituent. I am wanting to set up a time to talk with you at your convenience to discuss the ideas I am introducing in this letter.

I moved into your riding this past September. I live across the street from your constituency office, just behind the Shoppers Drugmart. I previously lived in Ottawa-Vanier, the riding of Mauril Bélanger. I met with Mr Bélanger a number of times over the years, and we had a good relationship. I would like a chance to build a similar relationship with you.

I am a self employed consultant¹ that does work ranging from ISP services, LAN services (file/print sharing, Email, Internet), to public policy work. I was recently hired by the ICT branch of Industry Canada to do a report on software patents².

While my work is technical in nature, my passion is public policy. In 2001 I became involved in Canadian copyright reform, and in 2002 I helped co-found the "Getting Open Source Logic INto Governments" (GOSLING) Community³. I am including my latest submission to the House of Commons Standing Committee on Canadian Heritage as an example of my work, and as an introduction to what I see as some of the most pressing issues.

As the Minister of Industry you brought the Internet onto the federal agenda in Canada, including broadband and School-net. I believe you would be an ideal person to help bring in an understanding of an important aspect of the Internet beyond the hardware technology. I believe you can introduce the unique economic and social character, including a possibly new mode of economic production that is co-dependent with the Internet. This new mode of production is called "commons-based peer production" in some academic papers⁴. When these methodologies are used to produce computer software you end up with Free/Libre and Open Source Software (FLOSS) and popular operating systems such as Linux and BSD, along with applications such as OpenOffice.org, Mozilla⁵ and Apache. Apache has consistently been used by more than 60% of the websites on the Internet⁷.

1 My work website is <http://www.flora.ca>

2 Patent report can be seen online at <http://www.flora.ca/patent2003>

3 I host a website for the GOSLING Community at <http://www.goslingcommunity.org>

4 Yochai Benkler, Coase's Penguin, or Linux and the Nature of the Firm, <http://www.benkler.org/CoasesPenguin.html>

5 I try to define FLOSS at <http://www.flora.ca/floss.shtml>

6 Mozilla <http://www.mozilla.org> is the current project that is a derivative of what was previously known as Netscape.

7 See the Netcraft web server survey http://news.netcraft.com/archives/web_server_survey.html

There is considerable opportunity for Canada to move to the forefront of leveraging this new mode of production. Many other countries are moving to adopt open standards and open source software. I was recently informed that the French Finance Ministry is moving to OpenOffice.org as their office suite platform. I have done presentations⁸ on the many reasons to adopt this option, even if used in parallel with existing office suites to provide government-wide compatibility with the OASIS open office XML standard.

Commons-based peer production is something that just makes sense on multiple levels. Where traditional production of things such as distributed software have come from the private sector, peer production leverages the entire of the economy as peers come from every sector including public, private, volunteer and educational.

I agree with law professor Lawrence Lessig who has said that in cyberspace that Code is Law⁹. While the people that participate in cyberspace are governed by laws set by governments and enforced by police and courts in the physical world, what you can and can not do in cyberspace is governed by software code. As we move more and more of our lives to being dependent on digital communications, including e-Government initiatives worldwide, we have some critical questions to ask: Who is in control of this code? Is this code democratically created, and how do citizens participate in this process? What assurances of accountability and transparency do we have with this new form of law?

Free/Libre and Open Source Software costs less money, is more transparent and accountable to citizens and governments, is more secure and error-free due to open public peer review, and is more consistent with the protection of communications rights and creators' rights.

I am including my most recent submission to the Canadian copyright reform process which provides further detail on some of the public policy concerns. I also included two sampler CDs of FLOSS for Microsoft Windows that were given out at a recent GTEC conference¹⁰.

While there are considerable opportunities with commons-based peer production, there are also aspects of current changes to public policy which may be a threat. I believe it is very timely to have a champion for the Internet to come forward and ensure that not just the hardware of the Internet is remembered in policy making, but the software, economic, legal and social aspects as well. The primary software of the Internet was built using commons-based peer production methodologies, and these methodologies have a promise to deliver far more value to the Canadian economy if allowed and encouraged to do so by Canadian policy makers.

Thank you, and hope to talk with you in person soon.

Russell McOrmond

8 The slide-show at <http://www.flora.ca/rw12003/> was a presentation created for the government stream at Real World Linux this spring.

9 Lawrence Lessig is a law professor at Stanford Law School, and author of many books including "Code and Other Laws of Cyberspace" <http://www.lessig.org/>

10 Information about our involvement at GTEC can be seen at <http://www.goslingcommunity.org/gtec2003.shtml>