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April 2, 2018

Public Understanding of United States Federal Law

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## Abstract

### Public Understanding of United States Federal Law

By Katherine Frisbie

Low levels of public understanding of federal law place American citizens at risk for falling victim to ignorance of the law. As the U.S. Supreme Court precedent regarding ignorance of the law is unclear, citizens must arm themselves with knowledge of federal laws. By learning about federal laws that typical citizens come in contact with regularly, Americans can protect themselves from inadvertently breaking the law and prepare themselves to join the conversation regarding the future of federal law. After all, if citizens are ignorant about the hundreds of laws Congress makes annually, how can they be sure they agree with the laws and abide by them? To increase public understanding of the law, the government must focus on improving the Office of the Law Revision Counsel website, which hosts the United States Code. The government should shift its resources from merely publications of federal law to comprehensive educational resources to help citizens understand the laws that affect them. By creating online educational tools to teach citizens about federal law, the government will transform public understanding of federal law, improve civic engagement, and protect its citizens from the danger of ignorance of the law.

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Likewise, I dedicate this work to my readers, Professors Shomade, Loudermilk, and Trapp. Thank you for your expertise, enthusiasm, and guidance. You have held me accountable for creating my proudest work, and I could not have done it without you. Professor Trapp, thank you for going above and beyond as a reader, professor, and mentor in my life.

Finally, this research is dedicated to my readers, who are curious about public understanding of United States federal law. I truly hope this is what you were looking for in your research—or, if not, a happy surprise.

Thank you all.

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## Preface

When I was twelve, I often went to Half Price Books with my father on the weekend. While he scoured the shelves for signed copies and first editions, I sat on the floor of the legal section, eagerly looking up at the books around me. The shelves packed with thick, lightly battered books towering higher than I could reach on my toes all the way down the aisle, and every book I opened contained words I did not know about topics that I did not fully understand. I had never read a legal text before, and I would not know where to go to find a compilation of laws. How could I be expected to follow laws that I could not find? Over time, I began to feel vulnerable as I realized that the law applied to me whether or not I could understand the words or research the texts. If I were ever in legal trouble, how could I defend and protect myself? How many other citizens lacked the skills or resources to defend themselves? With hundreds of new laws passed every year, how could we keep up? It was overwhelming to feel the weight of hundreds of years of laws that I did not know upon my shoulders and disheartening to know that I was not alone in my ignorance.

However, this text is part of the solution. I will argue that most citizens have a substantial ignorance of federal law through citing the work of Harvey Silverglate. Then I will prove that ignorance of the law is not always an excuse in court based upon U.S. Supreme Court precedent, focusing on *Shevlin-Carpenter Co. v. State of Minnesota* and *Lambert v. The People of the State of California*. I will then present government resources that communicate the federal law to the public, explain the materials within the governmental resources, and evaluate their effectiveness as communication tools. Furthermore, I will argue for changes in the way the United States communicates the federal law to the public and educates citizens about the federal laws we must follow in a call to action. Therefore, in order to decrease ignorance of the law, the federal



government must increase public understanding of the law through digital resources in the Office of the Law Revision Counsel.

## **Chapter 1: Ignorance of the Law**

### **The Tolls of Ignorance of the Law and Vague Legislation**

In Three Felonies a Day: How the Feds Target the Innocent, Harvey Silverglate argues that ordinary citizens regularly break the federal law due to a combination of ignorance of the law and vague legislation.<sup>1</sup> Silverglate emphasizes that this issue is more common than the average citizen may think, and that it could happen at random to ordinary Americans.<sup>2</sup> The author attributes this issue to Congress's production of vague legislation, manipulated by lawyers and unknown or misunderstood by common citizens. To support his claim, Silverglate conducts several case analyses, evaluating the vague nature of the legislation, whether the defendant had been aware of the law the plaintiff accused him of breaking, and whether outside sources with alternative goals influenced the cases' outcomes. Thus, Silverglate uses a case study research

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<sup>1</sup> *Three Felonies a Day: How the Feds Target the Innocent* is referenced in "Ignorance of the Law is Not an Excuse, but It Is Reality" by Paul Rosenzweig.

Paul Rosenzweig, "Ignorance of the Law is No Excuse, but It is Reality," The Heritage Foundation, last modified July 17, 2013, [https://www.heritage.org/crime-and-justice/report/ignorance-the-law-no-excuse-it-reality#\\_ftnref9](https://www.heritage.org/crime-and-justice/report/ignorance-the-law-no-excuse-it-reality#_ftnref9).

The scholarly conversation surrounding ignorance of the law as an excuse also includes the following sources:

Bruce R. Grace, "Ignorance of the Law as an Excuse," *Columbia Law Review*, Directors of the Columbia Law Review Association, Inc. November 1986.

A.P. Brooke, "When Ignorance of the Law Became an Excuse: Lambert and Is Progeny." *American Journal of Criminal Law*, Winter, 1992, pp. 279–292.

<sup>2</sup> The CATO Institute, "Harvey Silverglate on 'Three Felonies a Day,'" YouTube video, 6:31, November 13, 2009, <https://www.youtube.com/watch?v=JwsLAqjqnxo>

method to argue that vague legislation paired with ignorance of the law results in frequent cases of ordinary citizens being accused of breaking federal law.

Silverglate explains that in these cases, ordinary people are accused of violating federal law, though they believe they did nothing wrong. He explains that these ordinary people become “targets of federal prosecution.”<sup>3</sup> They believe they “did nothing wrong, broke no laws, and harmed not a single person,” yet they find themselves in court for committing a federal crime.<sup>4</sup> However, Silverglate believes that these citizens are not rarities. To the contrary, he asserts in his thesis that many ordinary citizens “may be committing three felonies a day... in the eyes of federal prosecutors.”<sup>5</sup> In his address to The CATO Institute, he clarifies that though he did not mean this literally, he aimed to indicate that committing a felony in the eyes of federal prosecutors could be more common than one may think.<sup>6</sup> He explains that given an ordinary citizen’s day-to-day routine, the citizen “very likely committed three felonies... that some ambitious, creative prosecutor can pick out of that day’s activities.”<sup>7</sup> He states that his title is “a slight exaggeration, but really not much.”<sup>8</sup> Silverglate emphasizes that it is not a matter of whether a citizen actually breaks the law, but whether a prosecutor can spin the wording of law to claim that the citizen broke the law. As a result, Silverglate argues that vague legislation leads to these unjust cases.

Silverglate attributes the degree to which average, seemingly law-abiding citizens are accused with breaking federal laws to Congress’s vague legislation. He explains that even if

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<sup>3</sup> Harvey A. Silverglate, Preface to *Three Felonies a Day: How the Feds Target the Innocent*, (New York, London: Encounter Books, 2011), xi.

<sup>4</sup> Harvey A. Silverglate, Preface to *Three Felonies a Day*, xi.

<sup>5</sup> Alan M. Dershowitz, Foreword to *Three Felonies a Day: How the Feds Target the Innocent*, (New York, London: Encounter Books, 2011), xxv.

<sup>6</sup> The CATO Institute, “Harvey Silverglate on ‘Three Felonies a Day’”

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

citizens wanted to avoid breaking the law, the vague language in the law inhibits citizens from understanding the meaning of the law. As a result, they do not understand how to follow the law. Silverglate asserts that the “law is hopelessly ambiguous” and at times challenging for both common citizens and legal experts.<sup>9</sup> He asks if there is hope for average American citizens to understand the meaning of vague federal laws even if federal judges debate the meaning of these laws. The author cites the case of Bradford C. Councilman, in which Councilman was accused of wiretapping, an action that “Congress had not yet outlawed.”<sup>10</sup> Yet Silverglate explains that whether or not the citizen understood the law, the risks of going to trial are often too high with the possibility of “draconian” charges.<sup>11</sup> As a result, many innocent citizens accept plea bargains, which can damage their careers, have negative impacts on their social relationships, and continue injustice in the judicial system. To relay the widespread nature of this impact, Silverglate presents a series of cases that highlight the injustice of vague legislation and ignorance of the law.

In support of his thesis that federal prosecutors can skew the actions of everyday citizens to accuse them of federal laws, Silverglate provides ample accounts of citizens being accused of federal crimes based upon vague legislation. The author hooks the reader with four cases in the preface, followed by eight chapters featuring additional cases. For example, Silverglate cites the case of Joseph Edward Morissette, who found a “heap of spent bomb-castings...on uninhabited land” during a hunting trip.<sup>12</sup> The castings “appeared abandoned,” and there were “no signs” that

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<sup>9</sup> Harvey A. Silverglate, *Three Felonies a Day: How the Feds Target the Innocent*, (New York, London: Encounter Books, 2011), 271.

<sup>10</sup> Harvey A. Silverglate, *Three Felonies a Day*, 257.

<sup>11</sup> Harvey A. Silverglate, *Three Felonies a Day*, 67.

<sup>12</sup> Harvey A. Silverglate, Introduction to *Three Felonies a Day: How the Feds Target the Innocent*, (New York, London: Encounter Books, 2011), xxxiii.

indicated that they would be property.<sup>13</sup> The heap of metal was beginning to rust and decompose.<sup>14</sup> Morisette gathered some of the castings, crushed the metal, and sold it to earn \$84.<sup>15</sup> Upon seeing the bomb castings in the trunk of Morisette's car, a police officer questioned Morisette and informed the FBI. It turned out that the bomb castings had rested on the land of the Oscoda Air Base, a location that the military used to practice bombing simulations. Morisette was indicted, the accusation being that he ““did unlawfully, willingly, and knowingly steal and convert”” United States government property.<sup>16</sup> “Morisette was convicted and sentenced to two months in prison and a fine of \$200.”<sup>17</sup> Silverglate emphasizes that he did not know that the castings were government property, and that there was no sign that would have indicated this. Yet Silverglate states that the “trial judge forbade Morisette's lawyer” from arguing that Morisette's innocent intentions conflicted with his charge of ““willingly and knowingly”” stealing from the government because the judge felt that Morisette's intentions were “obvious and legally irrefutable.”<sup>18</sup> However, though the United States Court of Appeals for the Sixth Circuit upheld this decision, the U.S. Supreme Court unanimously overturned the decision of the appellate court and, thus, overturned Morisette's conviction. Silverglate explains that “Justice Robert H. Jackson discussed the criminal role of *intent* in criminal cases” in this decision, arguing that Morisette's innocent intentions held an important role in this case.<sup>19</sup> With this said, Silverglate highlights that few litigants appeal to a higher court in hope of reversing the lower court's decision, particularly at the level of the U.S. Supreme Court. Had Morisette accepted the

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<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Harvey A. Silverglate, Introduction to *Three Felonies a Day*, xxxiii-xxxiv

<sup>16</sup> Harvey A. Silverglate, Introduction to *Three Felonies a Day*, xxxiii.

<sup>17</sup> Harvey A. Silverglate, Introduction to *Three Felonies a Day*, xxxiv.

<sup>18</sup> Harvey A. Silverglate, Introduction to *Three Felonies a Day*, xxxiii-xxxiv.

<sup>19</sup> Harvey A. Silverglate, Introduction to *Three Felonies a Day*, xxxv.

original conviction, he would not have reaped the benefits of the U.S. Supreme Court's reversal. He would have been punished for a crime he did not know he was committing—much like the three felonies Silverglate asserts the everyday citizen likely commits daily.

Though Silverglate's case analysis provides proof of the injustice resulting from ignorance of the law and the creation of vague federal laws, I encourage legal academics to conduct further research on citizens' understanding of federal law. While Silverglate argues that vague language of the law inhibits citizens from understanding the Code, he does not make a distinction between cases in which citizens were aware of the law and misunderstood the vague wording and cases in which citizens were unaware of the law. This distinction warrants two separate research analyses: one study to evaluate if citizens are aware of federal laws and a second study to evaluate if citizens and judges have a shared understanding of the meaning of federal laws. Of course, due to the vastness of federal law, these studies should be conducted based upon niche subsections of the law. For example, a researcher could analyze how well business professionals understood the federal business laws that affect the business sector the professionals work in. Thus, while Silverglate's research indicates that average citizens can be convicted of breaking laws they are unaware of, researchers should pursue further analysis of ignorance of the law.

### **The Structure of Regulatory Power in the United States Government**

The United States federal government acts under a system of checks and balances between its three branches: the executive, legislative, and judicial branches. This system operates under the direction of the Constitution, which enumerates the structure and powers for each branch. The U.S. Constitution grants certain powers through which the branches impact national

regulations; other regulating powers have been adopted independent of the U.S. Constitution over time. The clearest example of this power of regulations is Congress's power to make laws. Article I of the U.S. Constitution establishes a bicameral Congress made up of the House of Representatives and the Senate, which work together to write and alter national laws,<sup>20</sup> which are compiled in the Code of Laws of the United States of America.<sup>21</sup> However, the current breadth of regulation powers of the executive and judicial branches is less clearly stated in the U.S. Constitution. Though Article II Section 2 of the U.S. Constitution anticipates that the president may need to appoint aids—the bureaucracy of the executive branch, organized by departments—it does not explicitly empower a bureaucracy to create policy.<sup>22</sup> Nonetheless, the bureaucracy creates national regulations through its policies. Furthermore, Article II Section 1 of the U.S. Constitution grants the president “executive Powers,” which presidents have used as the basis for justifying the power of executive orders.<sup>23</sup> Through an executive order, the president can make a national regulation without needing Congress's approval. However, the president's executive orders, bureaucratic policies, and the laws of Congress can be placed under judicial review of the U.S. Supreme Court.

The U.S. Supreme Court impacts national regulations in three key manners: deciding upon cases passed from the lower courts in which the law is under dispute, judicial review, and determining precedent. In 1803,<sup>24</sup> through *Marbury v. Madison*, the U.S. Supreme Court reinforced the U.S. Constitution as the supreme law of the United States, established itself as the official authority regarding the interpretation of the U.S. Constitution, and granted itself the

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<sup>20</sup> *U.S. Constitution*. Art. I.

<sup>21</sup> “United States Code.” *Office of the Law Revision Counsel: United States Code*, [uscode.house.gov/](https://www.uscode.house.gov/).

<sup>22</sup> *U.S. Constitution*. Art. II, Sec. 3.

<sup>23</sup> *U.S. Constitution*. Art. II, Sec. 1.

<sup>24</sup> “*Marbury v. Madison*.” Oyez, 13 Dec. 2017, [www.oyez.org/cases/1789-1850/5us137](https://www.oyez.org/cases/1789-1850/5us137).

power of judicial review.<sup>25</sup> With the power of judicial review, the U.S. Supreme Court could determine the constitutionality of legislation. Judicial review is a check to the executive and legislative branches because the U.S. Supreme Court can strike down their regulatory actions as unconstitutional and, as the U.S. Constitution was solidified as the supreme law of the land, invalid. The U.S. Supreme Court uses both judicial review and precedent to impact the national regulations. Precedent relies on the “doctrine” of *stare decisis*, or in Latin “to stand by things decided,” which claims that justices in each level of the court system should refer to previous legal cases’ decisions from higher courts to guide their future legal decision-making.<sup>26</sup> In this argument, all higher courts’ precedent below the U.S. Supreme Court level is out of scope. The past U.S. Supreme Court decisions are called the Court’s precedent, as enumerated in U.S. Supreme Court opinions. Through U.S. Supreme Court opinions, a U.S. Supreme Court judge describes the facts of a U.S. Supreme Court case and explains the Court’s reasoning for its final decision about the case—to either affirm or overturn the decision of the lower court that previously heard the case. These opinions are important because their precedent determines how judges and *citizens trying to protect themselves with knowledge of the law* should view the law in the future. Precedent also helps judges and citizens predict future outcomes of similar cases. Thus, the judicial branch uses precedent as a form of influencing national regulations by setting the long-term expectations for whether certain laws are constitutional, whether certain actions are legal, how certain laws should be understood, and how future courts should handle similar cases. Of course, as we will see, the U.S. Supreme Court can shift and mold its own precedent, making the guidelines for judges and citizens clearer or more vague in the process.

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<sup>25</sup> “Marbury v. Madison.” *History.com*, A&E Television Networks, 2009, [www.history.com/topics/marbury-v-madison](http://www.history.com/topics/marbury-v-madison).

<sup>26</sup> “Stare Decisis.” *Black’s Law Dictionary*, Tenth Edition. Editor in Chief Bryan A. Garner. Thomas Reuters, 2014.

With an understanding of the U.S. Supreme Court precedent, we can now evaluate ignorance of law and its impact on five key U.S. Supreme Court cases. The end goal of this case analysis is to determine whether the U.S. Supreme Court's precedent claims that citizens can be excused of breaking laws that they claim to not have known of or understood. This precedent is crucial for my overarching argument. If one claims that he or she did not know of a law, and if the U.S. Supreme Court creates precedent that this is a valid excuse for breaking a law, then it would be unimportant to know about the law because a person could simply claim in court that he or she did not know the law existed. Based on this precedent, all courts would be bound to follow suit through *stare decisis* and accept ignorance of the law as an excuse, unless the U.S. Supreme Court changed the precedent. Much of my argument would no longer matter if this were the clear precedent. It would not matter whether citizens understood the law or whether the government effectively communicated federal law to the public because a citizen could, for example, simply claim they were ignorant of the law and be legally off the hook. However, the precedent regarding ignorance of the law is much murkier than this.

### **United States Supreme Court Precedent Regarding Ignorance of the Law**

The precedent regarding ignorance of the law begins in on May 21, 1910 with the U.S. Supreme Court opinion of *Shevlin-Carpenter Company v. Minnesota*. Justice McKenna wrote the opinion for the case. The question at hand is whether double damages for cutting timber on state property are constitutional.<sup>27</sup> With that said, the question of double damages is out of the scope of this thesis. John F. Irwin, acting with Shevlin-Carpenter Company, won the timber from a plot of Minnesota owned property in a state auction. The auction granted him a permit for one

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<sup>27</sup> “Shevlin-Carpenter Co. v. Minnesota.” Justia Law, [supreme.justia.com/cases/federal/us/218/57/case.html](https://supreme.justia.com/cases/federal/us/218/57/case.html).



year of access to the timber, though he could renew his permit for one additional year with support from the government. After one year of cutting the timber down, Irwin went through the proper procedures for requesting a second year of ownership of the timber, and his request was accepted by “unanimous consent” with “the board of timber commissioners.”<sup>28</sup> Irwin’s permit ended on June 1, 1903, but he continued to cut the timber in the winters of 1903 and 1904. At the trial court, Minnesota sued Shevlin-Carpenter Co. for treble the cost of the timber from 1903-1904. The trial court sided with Minnesota primarily because it found the employees of Shevlin-Carpenter Co. to be “wilful violators of the law.”<sup>29</sup> In other words, they understood the terms of their permit and willfully chose to violate the law by cutting the timber past the date their permit explicitly stated.

The appellate court, the Supreme Court of Minnesota, disagreed. It argued that Shevlin-Carpenter Co. had “reasonable ground” for thinking that they had been granted the authority to continue cutting down the timber.<sup>30</sup> The higher court reduced the damages to double damages instead of treble damages. At the U.S. Supreme Court level, Shevlin-Carpenter Co. argued that their damages put them in double jeopardy—in other words, they argued they were being charged for the same crime twice based on the current fine. Furthermore, they argued that they were not receiving their rights under the due process clause of the Fourteenth Amendment. The U.S. Supreme Court disagreed with their argument regarding due process. The U.S. Supreme Court also considered the meaning of the term “innocent” in the defendant’s argument, which explained that cutting down the timber was an innocent act. This begins the portion of the opinion that is most directly related to this thesis.

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<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

In this landmark decision, the U.S. Supreme Court argued that if an act violates the law, it is not an innocent act. It explained that “ignorance of the law will not excuse,” a landmark precedent that is now deeply engrained in the United States judicial system.<sup>31</sup> Essentially, whether or not a person is knowledgeable or ignorant of a law is unimportant. His or her “ignorance of the law” is not an excuse for breaking the law.<sup>32</sup> The U.S. Supreme Court further elaborated by saying that “there is no element of deception or surprise in the law;” in other words, the law is not written in a way that should be surprising or misleading for citizens.<sup>33</sup> Justice McKenna explained that the plaintiffs were aware of the limits of the permit when the government granted the permit to them, and they knowingly chose to violate the law. The opinion clearly established a precedent the courts will not hear arguments of “good faith or ignorance” that state that the defendant did not know about the law or did not mean to break the law.<sup>34</sup> Lastly, the U.S. Supreme Court explained that even if the legislation is “harsh,” the U.S. Supreme Court cannot “set aside” legislation based upon whether they consider it to be “harsh.”<sup>35</sup> Thus, the U.S. Supreme Court affirmed the judgment of the Supreme Court of Minnesota, and Minnesota won the case.

However, *Lambert v. The People of the State of California* shifted this precedent on December 16, 1957. The definition of a convicted person based upon Los Angeles law is important for understanding this case. Section 52.38(a) of the Los Angeles Municipal Code—the compilation of Los Angeles legislation—states that if a person has been convicted of a felony in California *or* if he or she has been convicted of a crime outside of California that would be

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<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

considered a felony in California, the person is a convicted person.<sup>36</sup> If a person is convicted, it means that the court decided he or she was guilty of the crime he or she was accused of committing. Furthermore, Section 52.39 of Los Angeles Municipal Code states that a convicted person must register himself or herself in Los Angeles if he or she has been in Los Angeles for more than five days *or* if he or she has lived outside of Los Angeles but has entered Los Angeles more than five times over a span of 30 days.<sup>37</sup> If the convicted person does not register himself or herself, each day in Los Angeles is a separate offense based on Los Angeles law.<sup>38</sup>

In *Lambert v. The People of the State of California*, the plaintiff, accused Virginia Lambert, the defendant, of violating Section 52.39 of Los Angeles Municipal Code. Virginia was arrested as a suspect for a separate crime, but the Los Angeles police discovered that she had previously been convicted of forgery, a felony in Los Angeles. However, Virginia had lived in Los Angeles for seven years without registering herself as a convicted person. At the trial court, Lambert claimed that Los Angeles Municipal Code “denies her due process of law” by not considering her intentions at the time of breaking the law.<sup>39</sup> However, the trial court decided that Los Angeles law did not deny Lambert due process, and the jury found Lambert guilty. The appellate court affirmed this decision. However, the U.S. Supreme Court held that the registration requirements in the Los Angeles Municipal Code violated the due process clause in the Fourteenth Amendment.<sup>40</sup>

The U.S. Supreme Court explained that the question at hand was whether the registration requirement violates the due process clause if the person “has no actual knowledge of his duty to

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<sup>36</sup> “Lambert v. California.” Justia Law, [supreme.justia.com/cases/federal/us/355/225/case.html](https://supreme.justia.com/cases/federal/us/355/225/case.html).

<sup>37</sup> Ibid

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

register” and where there is evidence of “the probability of such knowledge.”<sup>41</sup> The Court qualified statement this by referencing a legal scholar they disagree with, Blackstone, who states that a person must have a “vicious will” to commit a crime.<sup>42</sup> They confirmed the precedent that a person can break the law without bad intentions. However, the Court highlighted the fact that Lambert *passively* broke the law by merely failing to register herself as a convicted person. The Court contrasted this with actions in which a person breaks the law and has an alert that warns him or her against breaking the law, citing *Shevlin-Carpenter Co. v. Minnesota* and reemphasizing the importance of its precedent of “ignorance of the law will not excuse.” Yet the U.S. Supreme Court stated that due process indicates the “requirement of notice” under certain circumstances in the legal system.<sup>43</sup> The Court stressed that Lambert received no alert to her need to register before breaking the law, and she received no opportunity to register herself upon learning about the law before being put to trial for her offense. The U.S. Supreme Court stated that due process indicates the “requirement of notice” under certain circumstances in the legal system.<sup>44</sup> The opinion stated that if a convicted person did not “know of the duty to register” and if he or she has “no proof of the probability of” the knowledge regarding the registration requirement, a court that convicts this person does not honor the convicted person’s constitutional rights under the due process clause of the Fourteenth Amendment.<sup>45</sup> The final portion of the opinion quoted Justice Holmes’ *The Common Law*, saying, “A law which punished conduct which would not be blameworthy in the average member of the community

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<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

would be too severe for that community to bear.”<sup>46</sup> Thus, the U.S. Supreme Court reversed the appellate court’s opinion, and Lambert won the case.

In 1971 *United States v. Freed* added an additional limitation to the precedent of *Shevlin-Company v. Minnesota* and *Lambert v. The People of California*. The defendants were accused of illegal possession of “unregistered hand grenades,” which violated the National Firearms Act.<sup>47</sup> In the opinion, Justice Douglas divided ignorance of the law cases into three key categories. The first category, as A.F. Brooke II explains in the *American Journal of Criminal Law*, considers whether “statutory offense had been derived from the common law.”<sup>48</sup> The second category references cases like *Lambert v. The People of California*, in which the defendant did not have probability of knowledge of the law. The third category, which Justice Douglas explained *United States v. Freed* fell under, contains cases in which the violated law is a regulatory statute written to ensure public safety. As hand grenades are very dangerous weapons, Justice Douglas said it should be no surprise that possessing hand grenades was “not an innocent act.” The reasoning behind this third category of cases operates under the reasoning that ignorance of the law is not an excuse if it should be common sense that the action violates public safety regulations, like the need to register a hand grenade on the basis of the National Firearms Act. The Court reversed the opinion of the appellate court, and Freed lost the case.

In 1971, the U.S. Supreme Court also heard *United States v. International Minerals & Chemical Corp.* In this case, the International Minerals and Chemical Corporation shipped sulfuric and hydrofluosilicic acids over state borders without demarking the packages with

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<sup>46</sup> Ibid

<sup>47</sup> “United States v. Freed.” Justia Law, [supreme.justia.com/cases/federal/us/401/601/case.html](https://supreme.justia.com/cases/federal/us/401/601/case.html).

<sup>48</sup> A.P. Brooke, “When Ignorance of the Law Became an Excuse: Lambert and Is Progeny.” *American Journal of Criminal Law*, Winter, 1992, pp. 279–292.

warning labels, as required by 18 U.S.C. § 834(a). Section 834(f).<sup>49</sup> Note that U.S.C. refers to United States Code, a compilation of “general and permanent laws of the United States.”<sup>50</sup> International Minerals and Chemical Corporation argued that it did not have prior knowledge of the requirement to label toxic packages with warning labels, claiming ignorance of the law. However, the U.S. Supreme Court made a decision similar to its decision in *United States v. Freed*. The opinion explained that in cases regarding the handling of substances as dangerous as toxic chemicals, the probability of common understanding of the danger of the material should indicate that those who possess these chemicals understand of regulations.<sup>51</sup> Therefore, the U.S. Supreme Court reversed the decision of the appellate court, and International Minerals and Chemical Corporations lost this case.

Then in 1972, the U.S. Supreme Court continued this series of cases regarding ignorance of the law with *Papachristou v. City of Jacksonville*. In this case, the U.S. Supreme Court argued that the vagrancy legislation in Jacksonville is invalid because it does not give proper notice for a “person of ordinary intelligence.”<sup>52</sup> The Court claimed that the vagrancy law is outdated because it outlaws actions that in 1972 would normally be considered innocent acts. A.F. Brooke explains that these acts included “begging, juggling, and walking around at night.”<sup>53</sup> The Court reversed appellate decision, and Papachritou won. Thus, this case emphasized the requirement of notice in due process regarding ignorance of the law.

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<sup>49</sup> “United States v. Int'l Minerals & Chem. Corp.” Justia Law, [supreme.justia.com/cases/federal/us/402/558/case.html](https://supreme.justia.com/cases/federal/us/402/558/case.html).

<sup>50</sup> “About the United States Code and the Website,” The Office of the Law Revision Counsel.

<sup>51</sup> “United States v. Int'l Minerals & Chem. Corp.” Justia Law, [supreme.justia.com/cases/federal/us/402/558/case.html](https://supreme.justia.com/cases/federal/us/402/558/case.html).

<sup>52</sup> “Papachristou v. City of Jacksonville.” Justia Law, [supreme.justia.com/cases/federal/us/405/156/](https://supreme.justia.com/cases/federal/us/405/156/).

<sup>53</sup> A. P. Brooke “When Ignorance of the Law Became an Excuse: Lambert and Its Progeny.” *American Journal of Criminal Law*, Winter, 1992, pp. 291.

Together, these five cases have shaped the current precedent for cases involving ignorance of the law. However, though the cases sometimes presented clear guidelines for precedent, they often overlap to create a vague, contradictory precedent for judges and citizens to reference. In particular, the precedent of *Shevlin-Carpenter Company v. Minnesota* and *Lambert v. California* conflicts at times.

Initially, Justice McKenna's opinion in *Shevlin-Carpenter Company v. Minnesota* established a strict, bright line rule that "ignorance of the law will not excuse."<sup>54</sup> This statement is now deeply embedded in the judicial system as a cornerstone for legal decision-making. It places a tremendous burden upon citizens to not only know any law with which they come in contact, new or old, but also understand that law and have ready access to the resources that educate them about the law. Furthermore, Justice McKenna stated that "there is no element of deception or surprise in the law" and that courts should not consider whether the accused had "good faith" in his or her actions.<sup>55</sup> As we see in *Lambert v. California*, a quality of surprise sometimes does appear in the law. Not only did Lambert not know of the law requiring her to register as a convicted person, but also, as the opinion states, she received no notice of the law nor an opportunity to correct her error after breaking the law. Thus, Lambert found an aspect of surprise in the law because she did not know this particular law existed before violating the law. This is one key moment when *Lambert v. California* and *Shevlin-Carpenter Company v. Minnesota* begin to diverge.

Of course, although *Lambert v. California* directly nods to *Shevlin-Carpenter Company v. Minnesota* in its opinion to indicate a respect for its precedent, the opinion marks a clear shift

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<sup>54</sup> "Shevlin-Carpenter Co. v. Minnesota." Justia Law, [supreme.justia.com/cases/federal/us/218/57/case.html](https://supreme.justia.com/cases/federal/us/218/57/case.html).

<sup>55</sup> "Shevlin-Carpenter Co. v. Minnesota." Justia Law, [supreme.justia.com/cases/federal/us/218/57/case.html](https://supreme.justia.com/cases/federal/us/218/57/case.html).

from precedent. Justice Douglas used *stare decisis* to honor the precedent that “ignorance of the law will not excuse,”<sup>56</sup> but he strategically weighed precedent against the rights enumerated in the U.S. Constitution in order to ground his shift to the current precedent without collapsing or dishonoring it. As the U.S. Constitution is the more powerful judicial decision-making tool compared to precedent, he strengthened his argument that notice should be required in some instances by grounding it in the due process clause of the Fourteenth Amendment. However, this is a delicate balance between “ignorance of the law will not excuse”<sup>57</sup> and what Justice Douglas explained as the Constitutional right to notice. This blurry balance leaves a vague precedent for judges and citizens to learn from and integrate into their daily legal understanding.

To further emphasize this contrast between precedents, the opinion of *Lambert v. California* includes a quote that sets the standard of legal knowledge to that which the average member of American society could be blamed for. The complete quote from Justice Holmes in *The Common Law* reads: “A law which punished conduct which would not be blameworthy in the average member of the community would be too severe for that community to bear.”<sup>58</sup> This directly comes into conflict with *Shevlin-Carpenter Company v. Minnesota*, which said that any person is responsible for breaking any law whether or not he or she knew about the law. The law is a clear standard in *Shevlin-Carpenter Company v. Minnesota*, and no matter how “harsh” or complicated a law may be, the public is bound to follow and understand its laws and the courts are bound to enforce the laws.<sup>59</sup> Yet again, the cases conflict. The Holmes quote indicates a

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<sup>56</sup> “*Shevlin-Carpenter Co. v. Minnesota*.” Justia Law, [supreme.justia.com/cases/federal/us/218/57/case.html](https://supreme.justia.com/cases/federal/us/218/57/case.html).

<sup>57</sup> “*Shevlin-Carpenter Co. v. Minnesota*.” Justia Law, [supreme.justia.com/cases/federal/us/218/57/case.html](https://supreme.justia.com/cases/federal/us/218/57/case.html).

<sup>58</sup> “*Lambert v. California*.” Justia Law, [supreme.justia.com/cases/federal/us/355/225/case.html](https://supreme.justia.com/cases/federal/us/355/225/case.html).

<sup>59</sup> “*Shevlin-Carpenter Co. v. Minnesota*.” Justia Law, [supreme.justia.com/cases/federal/us/218/57/case.html](https://supreme.justia.com/cases/federal/us/218/57/case.html).



degree of flexibility and leeway to the *Shevlin-Carpenter Company v. Minnesota* standard by suggesting that laws that go beyond the understanding of common knowledge of the “average member of the community” should not be included in the breadth of the law because the community cannot “bear” these laws justly.<sup>60</sup> Thus, the cases’ precedents leave a blurry standard for Americans to try to understand.

However, although the precedent from *Lambert v. California* leaves contradictions and a somewhat vague standard for the *Shevlin-Carpenter Company v. Minnesota* precedent, *United States v. International Minerals & Chemical Corporation* and *United States v. Freed* work in tandem to sharpen some aspects of this shifting precedent. Both of these cases involve interactions with dangerous materials: hand grenades in *United States v. Freed* and toxic chemicals in *United States v. International Minerals & Chemical Corporation*. These cases established an important exception to the reach of *Lambert v. California*. The cases created a precedent that in cases where the a person interacts with dangerous materials, there is an expectation that the individual should know the regulations that impact those dangerous materials, at least in part based on common sense. They should not need to have a notification of the law, like in *Lambert v. California*, because the regulations should stand out as naturally evident. For example, in these cases, the opinions argue that is should be evident that a shipment of toxic materials requires a warning label, and it should be evident that a ownership of a dangerous hand grenade must be formally registered with the government. Therefore, *United States v. International Minerals & Chemical Corporation* and *United States v. Freed* clarify one important distinction between cases that do and do not qualify in the *Lambert v. California* precedent that ignorance of the law is sometimes an excuse.

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<sup>60</sup> “Lambert v. California.” Justia Law, [supreme.justia.com/cases/federal/us/355/225/case.html](https://supreme.justia.com/cases/federal/us/355/225/case.html).

Furthermore, in the precedent of each of these five cases, there is a division between two types of laws: *mala in se* and *mala prohibitum*. *Mala in se* refers to laws that are naturally engrained in our society and moral structures.<sup>61</sup> Killing, rape, and robbery are all examples of *mala in se* crimes because American society naturally understands these to be wrong and violations of justice. In contrast, *mala prohibitum* refers to laws that are statutory in nature and may not be engrained into the average citizen's morality.<sup>62</sup> For example, *mala prohibitum* laws include a city's regulations on curb heights, highway lighting, and the ratio between standard parking spots and disability parking spots in commercial parking lots. It is likely that only citizens who interact with the transportation sector, like civil engineers, would know the specifics of these laws. The distinction between these two types of laws plays a key role in understanding the precedent of the five cases.

The five key U.S. Supreme Court cases involving ignorance of the law include and reject certain types of laws based upon whether they fall into the categories of *mala in se* or *mala prohibitum*. In *Shevlin-Carpenter Company v. Minnesota*, the U.S. Supreme Court established precedent that whether or not citizens naturally know a law—whether or not the law is *mala in se*—they are still held responsible for their interaction with laws that they might not know naturally, *mala prohibitum* laws. In contrast, the opinion of *Lambert v. California* suggests that ignorance of the law can sometimes be an excuse when the case addresses a *mala prohibitum* law, especially in a passive violation of the law.<sup>63</sup> However, *United States v. Freed* and *United*

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<sup>61</sup> “Malum in Se,” *Black’s Law Dictionary*, Tenth Edition. Editor in Chief Bryan A. Garner. Thomas Reuters, 2014.

<sup>62</sup> “Malum Prohibitum,” *Black’s Law Dictionary*, Tenth Edition. Editor in Chief Bryan A. Garner. Thomas Reuters, 2014.

<sup>63</sup> A. P. Brooke “When Ignorance of the Law Became an Excuse: Lambert and Its Progeny.” *American Journal of Criminal Law*, Winter, 1992, pp. 291.

*States v. International Minerals & Chemical Corp* shape the precedent from *Lambert v. California* to specify that this precedent does not hold in cases in which the law should be clear and natural, *mala in se*. These cases strengthen the precedent that *mala in se* laws do not apply under *Lambert v. California*'s precedent by specifying that laws involving dangerous materials apply as *mala in se* and are not included in the *Lambert v. California* precedent that ignorance of the law can sometimes be used as an excuse. Thus, understanding the division between *mala in se* and *mala prohibitum* laws enriches our understanding of the types of laws that apply in these cases' precedent and the limitations of each case's precedent.

In conclusion, it is important to understand the expectations and limitations of U.S. Supreme Court cases regarding ignorance of the law as an excuse and analyze the points of contradiction between the five key cases because U.S. Supreme Court precedent is a form of national regulation. It applies to each citizen throughout the United States. Precedent acts as a federal mandate, similar to bureaucratic policy, executive orders, and congressional legislation. Having contradictions between precedents of the two cases is like having two federal laws that directly conflict. How would we know which law to follow? How would courts know which law to use in their decisions? This is the position we are currently in with *Lambert v. California* and *Shevlin-Carpenter Company v. Minnesota*. The precedent is blurry and contradictory, which means that there is no guarantee that a judge will use the *Lambert v. California* precedent and accept ignorance of the law as an excuse. Thus, the burden of obtaining legal knowledge falls on American citizens. In the following portions of this thesis, I will analyze the government resources that communicate federal law to the public or actively teach federal law to the public to help Americans preemptively protect themselves with knowledge of the law.

## **Chapter 2: Communication of the Law through the Office of the Law Revision Counsel**

This chapter is concerned with answering the following questions: does the law require the government to communicate its laws to the public, and, if so, how does the government communicate the law? The chapter also analyzes the quality and effectiveness of the resources the government uses to help citizens access and understand the law.

### **The Office of the Law Revision Counsel of the House of Representatives**

This chapter focuses on the Office of the Law Revision Counsel of the House of Representatives as a resource for helping citizens access and understand the law. First, I establish the definitions of key terms that will be used throughout the chapter, and I will explain my research method. Then I will provide information regarding the Office of the Law Revision Counsel, which plays a crucial role in communicating the law to the public. I also will focus on the website that Office of the Law Revision Counsel uses to communicate this information and contrast it to previous methods of governmental law communication. Furthermore, I will analyze the public service role that the Office of the Law Revision Counsel embodies through its resources and discuss the limits of its abilities to aid the public in legal affairs. Lastly, I will analyze the effectiveness of the website as a public service communication tool. Therefore, Part I of this chapter analyzes the Office of the Law Revision Counsel as a resource for communicating the United States Code to the public and helping citizens understand the United States Code.

### **Defining the United States Code**

To begin, it is important to establish the definitions of key terms of the chapter, beginning with the term United States Code, to ensure a complete understanding of the means through

which the Office of the Law Revision Council's communication of the Code impacts public understanding of United States federal law. The United States Code is the "general and permanent laws of the United States" passed by Congress.<sup>64</sup> This means that only the laws that are "general" in their topic and lasting in their material. For example, though Congress annually passes laws naming post offices and land description laws, these would not be included in the US Code because they are not general enough in their content; the laws are too narrow in their focus.<sup>65</sup> Likewise, a law that is explicitly temporary in its content would not be in the Code because it is not permanent law. Furthermore, the US Code solely includes "federal statute laws," which apply to every state as they are enacted by Congress and signed by the president.<sup>66</sup>

### **The Process of Creating a Law**

Next, it is important to explain the means through which a law is passed to solidify our understanding of the Code. To create a law, members of Congress, composed of the House of Representatives and the Senate, propose a bill, which must first be passed by both branches of Congress. The U.S. Constitution empowers Congress to create law in Article I, Section 1: "All Legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."<sup>67</sup> To begin the process, the House must pass the bill with a simple majority vote, in which 218 of 435 members of the House agree to pass the bill.<sup>68</sup> The bill is then transferred to the Senate. If a simple majority of 51 of the 100 members of

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<sup>64</sup> "About the United States Code and the Website."

<sup>65</sup> "Phone Interview: Office of the Law Revision Counsel," interview by Katherine Frisbie, February 28, 2018.

<sup>66</sup> Ibid.

<sup>67</sup> U.S. Const. art I, § 1

<sup>68</sup> "The Legislative Process." United States House of Representatives, [www.house.gov/the-house-explained/the-legislative-process](http://www.house.gov/the-house-explained/the-legislative-process).

the Senate vote to pass the bill, it goes to a “conference committee made of House and Senate members” who shape the bill to bridge the differences between the draft that the House passed and the draft that the Senate passed.<sup>69</sup> Then, the president has the power to veto or sign the bill.<sup>70</sup> Congress can override a presidential veto if both the 2/3 of the House and 2/3 of the Senate vote in support of overriding the veto.<sup>71</sup> Though this legislative process is deeply embedded in United States governmental history through the Constitution, the Founding Fathers did not establish a clear means through which these laws should be recorded and communicated to the public.

### **The Founding and Organization of the United States Code**

According to the Office of the Law Revision Council, the US Code originated June 30, 1926<sup>72</sup> “to address the need for an updated, authoritative, and useful consolidation of Federal laws.”<sup>73</sup> It was arranged into “54 broad titles according to subject matter” with subdivisions consisting of “subtitles, chapters, subchapters, parts, subparts, and sections.”<sup>74</sup> The Code also includes a portion titled as “Front Matter” composed of “Organic Laws.”<sup>75</sup> The Organic Laws consist of the “body of laws (as in a constitution) that define and establish a government.”<sup>76</sup> This section includes the Declaration of Independence, the Articles of Confederation, the Ordinance

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<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> “Glossary Term: Override of a Veto.” United States Senate, OAD, [www.senate.gov/reference/glossary\\_term/override\\_of\\_a\\_veto.htm](http://www.senate.gov/reference/glossary_term/override_of_a_veto.htm).

<sup>72</sup> “Detailed Guide to the United States Code Content and Features.” The Office of the Law Revision Counsel, [uscode.house.gov/detailed\\_guide.xhtml](http://uscode.house.gov/detailed_guide.xhtml).

<sup>73</sup> “The United States Code— What It Is ... What It Isn't ... and What It Could Be.” Office of the Law Revision Counsel.

<sup>74</sup> Ibid.

<sup>75</sup> “The United States Code.” The Office of the Law Revision Counsel, [uscode.house.gov/browse.xhtml](http://uscode.house.gov/browse.xhtml)

<sup>76</sup> “Organic Law.” *Black’s Law Dictionary*, Tenth Edition. Editor in Chief Bryan A. Garner. Thomas Reuters, 2014.

of 1787: The Northwest Territorial Government, the Constitution of the United States, and the Analytical Index to the Constitution of the United States.<sup>77</sup> However, fifty years after the Code was originally established and organized, Congress passed a law to create an Office under the House of Representatives to maintain the law.<sup>78</sup>

On December 27, 1974, Congress established the Office of the Law Revision Counsel under Title 2 of the U.S. Constitution, “Congress.”<sup>79</sup> It empowered the Office of the Law Revision Counsel with seven key responsibilities, which were explained to me via a phone interview by a representative from the OLRC, Anne Brown.<sup>80</sup> Much of the information in this section stems from this interview phone call, in which Brown explained the inner workings, purpose, and history of the Office of the Law Revision Counsel. Brown explained that the OLRC’s purpose and responsibilities were listed in the Code, which explains that Congress empowered the OLRC with the “purpose” “to develop and keep current an official and positive codification of the laws of the United States.”<sup>81</sup> This means that Congress designed the OLRC to organize the law—“to develop... codification.”<sup>82</sup> Brown explained that organizing the law is a key role of the OLRC. She said that the employees of the OLRC take a bill that has been enacted as federal law and organize it into the structure of the law, divided into titles and subsections. She explained that often times, her office receives laws that originated as omnibus bills, which contain “more than one substantive matter, or several minor matters combined together as one

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<sup>77</sup> “The United States Code.” The Office of the Law Revision Counsel, [uscode.house.gov/browse.xhtml](http://uscode.house.gov/browse.xhtml)

<sup>78</sup> U.S.C. Title 2, Chapter 9A, Section 285.

<sup>79</sup> “The United States Code.” The Office of the Law Revision Counsel, [uscode.house.gov/browse.xhtml](http://uscode.house.gov/browse.xhtml).

<sup>80</sup> “Phone Interview: Office of the Law Revision Counsel,” interview by Katherine Frisbie. Note: This OLRC employee requested that a pseudonym be used to preserve her anonymity.

<sup>81</sup> U.S.C. Title 2, Chapter 9A, Section 285a.

<sup>82</sup> U.S.C. Title 2, Chapter 9A, Section 285a.

bill... for the sake of convenience.”<sup>83</sup> They take these enacted laws and divide the content into the subject matter topics of the US Code’s titles to make the Code user-friendly and searchable.<sup>84</sup> In short, the OLRC organizes the content in new laws by topic so that citizens and government workers can search through the law efficiently. After defining the purpose of the OLRC, Congress enumerated the seven “functions” of the OLRC in section 285b. As only the first five of these responsibilities of the OLRC are within the scope of this argument, the final two are omitted from this explanation.

The first function of the OLRC is to provide the Office of the Judiciary their “amendments and corrections” to the “general and permanent laws of the United States.”<sup>85</sup> When Congress presents the OLRC with a new law, the OLRC searches the text for “ambiguities, contradictions, and other imperfections” and presents their recommendations for revision to the Office of the Judiciary; however, the proposed revisions must conform to the “policy, intent, and purpose of the Congress.”<sup>86</sup> In other words, though the OLRC can propose changes to the language of the law, it may not shift the meaning of the law. Brown emphasized this point in her phone interview, saying that Congress has the final say on the wording and may choose to accept or reject the proposed changes. Anne Brown also explained that the OLRC often makes recommendations to clean up existent laws to keep them up-to-date and relevant, which is the second responsibility of the OLRC.

The Code states the OLRC’s second responsibility by saying that the OLRC must “examine... laws enacted by the Congress” and recommend the “repeal of obsolete, superfluous,

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<sup>83</sup> “US Legal.” Omnibus Bill Law and Legal Definition, [definitions.uslegal.com/o/omnibus-bill/](https://definitions.uslegal.com/o/omnibus-bill/).

<sup>84</sup> “Phone Interview: Office of the Law Revision Counsel,” interview by Katherine Frisbie.

<sup>85</sup> U.S.C. Title 2, Chapter 9A, Section 285b

<sup>86</sup> Ibid.



and superseded provisions.”<sup>87</sup> As Brown explained, this responsibility ensures that the OLRC will remove the portions of the law that are no longer relevant and “clog up” the Code.<sup>88</sup> For example, if a portion of the law contains a task that must be completed by a certain date and the date has passed, this portion of the law is “obsolete” and “superfluous.”<sup>89</sup> The OLRC would take this portion of the law and remove it from the text of the Code. Again, Brown emphasized that the OLRC is “adamant” not to change the meaning of the law through this process.<sup>90</sup> With this said, the third and fourth responsibilities of the OLRC are most crucial for answering the questions I pose.

The Code states that third responsibility of the OLRC is to “periodically” “prepare and publish” an updated version of the Code.<sup>91</sup> Regarding my question as to whether the law requires that the government publish the law, the answer is *yes*—as long as the term “law” in that question is limited to the United States Code. Title 2, Chapter 9A, Section 285b explicitly requires the Office of the Law Revision Counsel to publish the United States Code. The term “publish” is defined as “to disseminate to the public.”<sup>92</sup> This definition indicates that Office was legally required to present the Code not only for governmental use, but also for *public* use. To confirm, I have yet to find a definition of publish that would narrow the scope of this law to suggest that the OLRC only had to present the Code to a smaller group, such as Congress. I encourage further linguistic research to solidify this claim. The upcoming subheading *The Digital and Pre-Digital Communication of United States Code* explains the means through which the OLRC meets this legal requirement to publish the law, considers their publication

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<sup>87</sup> *Ibid.*

<sup>88</sup> “Phone Interview: Office of the Law Revision Counsel,” interview by Katherine Frisbie.

<sup>89</sup> U.S.C. Title 2, Chapter 9A, Section 285b

<sup>90</sup> “Phone Interview: Office of the Law Revision Counsel,” interview by Katherine Frisbie.

<sup>91</sup> U.S.C. Title 2, Chapter 9A, Section 285b

<sup>92</sup> “Publish.” Merriam-Webster, 2018, [www.merriam-webster.com/dictionary/publish](http://www.merriam-webster.com/dictionary/publish).

history, and analyzes the effectiveness of the OLRC's website as a tool for the communication of the law to the public.

Likewise, in the fourth responsibility, the Code empowers the OLRC to “classify newly enacted... provisions of law.”<sup>93</sup> Though the first two responsibilities focused mainly on proposing revisions to the material in the law, the fourth responsibility puts into motion the original purpose of the OLRC to “to develop... codification.”<sup>94</sup> This directly authorizes the OLRC with the goal to organize and categorize the law as it shifts over time to provide a user-friendly search tool for citizens and government workers to use. With regards to my question of the effectiveness of the resources that the government provides to help citizens access and understand the law, Congress empowering the OLRC to create and maintain an organization system for US Code is the first sign that the government actively sought to shape the law into a searchable resource. The fifth responsibility of the OLRC, to suggest “revisions in the titles of the Code” to keep it organized and “current,” emphasizes this point because it emphasizes the importance of carefully maintaining an updated and organized Code.<sup>95</sup> Thus, through the fourth and fifth responsibilities of the OLRC, Congress highlighted the importance of creating and maintaining an organized system of law to make the law efficiently searchable for citizens.

### **The Digital and Pre-Digital Communication of United States Code**

The Office of the Law Revision Counsel publishes the US Code on their website: <http://uscode.house.gov/>. This website presents the United States Code through a series of drop down tabs organized according to the tiered structure of the law, with Titles first, chapters

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<sup>93</sup> U.S.C. Title 2, Chapter 9A, Section 285b

<sup>94</sup> U.S.C. Title 2, Chapter 9A, Section 285a

<sup>95</sup> Ibid.

second, sections third, and so on. The website also contains tools for understanding the US Code and search tools to help citizens find the laws they are looking for, which will be analyzed in the upcoming subheading, *Office of the Law Revision Counsel Public Service: Website Resources*. However, Congress did not mandate the construction of this website.<sup>96</sup> It vaguely instructed the OLRC to “publish”<sup>97</sup> the Code, but did not instruct the OLRC to do so digitally, as the OLRC was created in 1974. Considering the term “Internet” was not even defined by the Federal Networking Council until 1995, the Internet would not become a viable option for communicating the Code for decades.<sup>98</sup> Instead, the Code originated in volumes of text in major libraries for public record.<sup>99</sup> As the Code is over 50,000 pages long, this method of organizing and presenting the law proved tedious and inefficient.<sup>100</sup> In our phone interview, Anne Brown of the Office of the Law Revision Counsel explained that the OLRC independently chose to hire an outside contractor to design and construct a website to host the Code online in the 1990s.<sup>101</sup> She stated that the website was more “practical” and “useful” for other agencies and the public to access and search through the Code.<sup>102</sup> Brown explained that the motivation to create the website did not stem from the rallying of nonprofits interested in public knowledge of the law nor from politicians or government workers. The Office of the Law Revision Counsel recognized the inefficiency of the previous method of publication and spearheaded the solution to move to the online source without outside influence.<sup>103</sup> Thus, although the Office of the Law Revision

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<sup>96</sup> “Phone Interview: Office of the Law Revision Counsel,” interview by Katherine Frisbie.

<sup>97</sup> U.S.C. Title 2, Chapter 9A, Section 285b

<sup>98</sup> Barry M. Leiner, et al. “Brief History of the Internet.” Internet Society, 1997, [www.internetsociety.org/internet/history-internet/brief-history-internet/](http://www.internetsociety.org/internet/history-internet/brief-history-internet/).

<sup>99</sup> “Phone Interview: Office of the Law Revision Counsel,” interview by Katherine Frisbie.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

Counsel originally published the United States Code in physical texts in libraries in the 1970-1990s, it shifted to an online platform in the 1990s to improve access to the law and efficiency in legal research.

The staff of Office of the Law Revision Counsel is now organized to meet the needs of maintaining the code digitally. Brown explained that the OLRC is comprised of about 20 employees.<sup>104</sup> These 20 employees include a technology team that manages the website, a group of attorneys who organize and update the Code, and staff assistants.<sup>105</sup> Brown stated that employees of the OLRC often stay for many years because of the time it takes to receive training for these positions and understand the intricacies of the inner workings of the OLRC.<sup>106</sup> Though Brown repeatedly emphasized the small size of the OLRC, this team of 20 government employees plays a crucial role in providing citizens with access to the law. By maintaining the website, the OLRC provides the public with an updated version of the US Code to use to educate themselves about the laws they are supposed to follow. As long as a citizen has access to personal computer, a school computer, or a public library computer with Internet, they have access to the United States Code online. Thus, though the Office of the Law Revision Counsel has few employees, this team serves a key public service role in communicating the US Code to the public.

### **Office of the Law Revision Counsel Public Service: Website Resources**

Beyond merely providing access to the Code for citizens, the Office of the Law Revision Counsel designed their website to go a step further to help citizens search through the Code

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<sup>104</sup> Ibid.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

efficiently and understand the history, organization, and content of the Code. Through the Code research tools and the Understanding the Code resources, the OLRC helps users navigate through the Code and understand the key terminology of the Code. Furthermore, through the *About the Office* webpage, the OLRC provides its contact information for users and encourages questions, though it warns users about the legal limitations to the responses the OLRC can offer. Therefore, through its online resources, the Office of the Law Revision Counsel provides a thorough compilation of tools for citizens to use to understand the United States Code.

The Office of the Law Revision Counsel structures its website to provide ample resources for researching and understanding the law. When discussing the website's resources, Brown explains that the OLRC designed its online resources to help citizens "gain as much understanding about the code as possible."<sup>107</sup> Beginning with its home page, which contains the drop down menu style search of the US Code previously described, the OLRC offers a search engine directly above the list of laws and drop down menus. This search engine offers an advanced search option in which users can search for their law in "general search terms," search in specific titles or subsections, and search through previous versions of the law.<sup>108</sup> More importantly, the search engine contains a link to a webpage dedicated to search tips to guide the user through his or her research. The search tips webpage begins with an example of simple search terms and a brief explanation of how the search engine functions in the website: "All of these searches will search over the entire text of the Code for the best matching sections. All terms in your query must be found somewhere in the document."<sup>109</sup> The webpage advises the

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<sup>107</sup> Ibid.

<sup>108</sup> "Advanced Search Options." The Office of the Law Revision Counsel, [uscode.house.gov/advancedSearch.xhtml](http://uscode.house.gov/advancedSearch.xhtml).

<sup>109</sup> "Help Searching the United States Code." The Office of the Law Revision Counsel, [uscode.house.gov/static/help.html#\\_Simple\\_Searches](http://uscode.house.gov/static/help.html#_Simple_Searches).

user to enter phrases in quotations and provides a table of Boolean phrase search tips. The table takes two words, “wheat” and “corn,” and shows how adding different words in between these terms, like “adj,” “and,” or “not” narrows the results in the search.<sup>110</sup> This resource also teaches the user to use question marks and asterisks for searching for similar terms like *intercity* and *intracity*. Furthermore, the search tips webpage teaches users how to search within different sections of the Code, like titles or chapters. Thus, the search engine and search aid on the homepage of the website for the Office of the Law Revision Counsel offer users with a thorough guide to navigating the United States Code.

Likewise, the website includes a webpage that allows users to search through the Code via the popular name of the law. Brown highlighted the Popular Name Tool as a means through which the OLRC actively tries to help citizens research the law because it puts the Code in more common terms that citizens may recognize more easily.<sup>111</sup> The Popular Name Tool allows users to search for the popular name of the law alphabetically for hundreds of laws. These laws begin in 1807 and extend to 2017. By offering citizens a user-friendly means to search through the Code based on the popular name of the law, this webpage takes an extra step to reach out to the common citizens who may not know the title or official name of a federal law.

Most importantly, the navigation bar of the website also includes an entire section called *Understanding the Code*, which contains four subsections: *About the Code and the Website*, *About Classification*, *Detailed Guide to the Code*, and *FAQ and Glossary*. The *About the Code and the Website* section provides a brief, general overview of the United States Code and the Office of the Law Revision Counsel’s website as a resource for researching the Code. It briefly defines the Code and Congress’s establishment of the Office of the Law Revision Counsel, as

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<sup>110</sup> *Ibid.*

<sup>111</sup> “Phone Interview: Office of the Law Revision Counsel,” interview by Katherine Frisbie.

explained in subsection titled *The Founding and Organization of the United States Code*. The About the Code and the Website section also explains how to find the Code in printed text and online. It states that one may obtain a printed version of the Code through the General Printing Office, which prints the newest version of the Code every six years and supplements in each of the five years in between. The webpage also states that one may search through the Code online via the database found on the OLRC's website, which is where the GPO derives its text for the printed version, confirming that these resources should have identical information. Furthermore, the webpage links to a document that explains the United States Code in depth.

This document, *The United States Code—What It Is... What It Isn't... and What it Could Be*, details the history of the Code's founding, the limits of the Code, and the importance of the Code. The four-page document begins by providing an overview of the legal establishment of the Code, as explained above in the subsection titled *The Founding and Organization of the United States Code*. It also makes a crucial distinction between the United States Code and the *Statutes at Large*, stating that while both the United States Code and the *Statutes at Large* contain federal statutes, the Code has a narrower focus in only containing laws that are “general and permanent in their nature.”<sup>112</sup> It also states that if there is a discrepancy between the *Statutes at Large* and the United States Code, the *Statutes at Large* will “prevail over” the United States Code in court.<sup>113</sup> Furthermore, the document explains that any inconsistency between the Code and the *Statutes at Large* is “corrected both online and in print once they have been pointed out.”<sup>114</sup> Lastly, the document argues for the inherent value of the Code. It explains that the purpose of the United States Code is “to enable the general and permanent provisions of Federal statutory law

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<sup>112</sup> “The United States Code— What It Is ... What It Isn't ... and What It Could Be.” Office of the Law Revision Counsel.

<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

to be findable and accessible.”<sup>115</sup> To elaborate upon this claim, the document uses Section 1886 of the Social Security Act as an example of the importance of the Code and the work of the Office of the Law Revision Counsel. It argues that the Congress amended the section over 40 times. These amendments included striking out language, replacing language, adding subsections, and adding provisions to subunits. It claims that to expect a lawyer or citizen to research the changes to the statute in “thousands and thousands of pages of the *Statutes at Large*” would be “impractical.”<sup>116</sup> Instead, the Office of the Law Revision Counsel ensures that the Code is organized and efficiently researchable for users. To further emphasize the importance of the Code, the document states that though the Code fit into one volume in 1926, it has expanded to fill over 40 volumes presently. The OLRC website ensures that this large amount of material is accessible. Therefore, the document found on the *About the Code and the Website* webpage explains the history, limits, and value of the United States Code.

Found on the navigation bar beneath the *About the Code and Website* webpage link, the About Classification webpage explains the process by which a law enters the Code. This page details the OLRC’s role in dividing the general and permanent laws from the thousands of public laws each Congress passes and sorting these laws into categories and subcategories. This process is explained above in the subsection titled *The Founding and Organization of the United States Code*. The webpage goes on to briefly review the process of passing a law, though it does not clearly state that the president can veto a law, merely stating that the bill is presented to the president. It continues to explain the definition of general and permanent law, providing an example to explain the term “general” and an example to explain the term “permanent,” as cited above in *The Founding and Organization of the United States Code*. Thus, this webpage serves

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<sup>115</sup> Ibid.

<sup>116</sup> Ibid.



the public by giving citizens insight into the formation of the Code and the definition of the Code.

The next webpage on the *Understanding the Code* navigation bar, the *Detailed Guide to the Code Content and Features* webpage walks the reader through the terminology of the organization of the Code in twelve subsections. Though much of the minutia of this website's explanation of the Code is beyond the scope of this text, it is relevant to address the overarching themes of this section as a resource for the public. The webpage begins with a general introduction to the Code, titled "In General." This introduction defines the Code, briefly explains how it is organized, and describes the process by which Congress established the code in 1926, as detailed in the subsection titled *The Founding and Organization of the United States Code*. It defines the role of the Office of the Law Revision Counsel as the "editors of the Code."<sup>117</sup> In its second subsection, *Section Designation and Editing*, the webpage explains in great detail the four most common types of changes to the Code. The guide goes on to provide information on positive and non-positive law titles, statutory notes, editorial notes, appendices and tables, the details of which is also beyond the scope of this text. Though the details of much of this webpage are outside of the scope of this text, it is valuable that the Office of the Law Revision Counsel made the effort to provide this high level of detail to explain the structure of the Code. Thus, *Detailed Guide to the Code Content and Features* webpage thoroughly explains the organization and terminology relevant to the United States Code.

Lastly, the FAQ and Glossary webpage is the final webpage within the Understanding the Code navigation pane. This webpage presents 20 common questions regarding the Code and

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<sup>117</sup> "Detailed Guide to the United States Code Content and Features." The Office of the Law Revision Counsel, [uscode.house.gov/detailed\\_guide.xhtml](http://uscode.house.gov/detailed_guide.xhtml).

concisely answers the questions in responses ranging from about 1-15 sentences in length.<sup>118</sup> Many of these questions cover the definition and limits of the US Code, how the Code is organized and updated, how current the Code is, citing or referencing the Code, and the role of the Office of the Law Revision Counsel as a public resource for understanding and shaping the Code. Over half of the answers to the questions include links to other parts of the website or other governmental resources, like the websites for the House of Representatives and the Senate, for further information or a more thorough explanation.<sup>119</sup> For example, one question asks, “How is it decided which laws are included in the United States Code?”<sup>120</sup> In response, the OLRC provides two brief sentences explaining that Congress writes the federal laws, and the Office of the Law Revision Counsel categorizes the general and permanent federal laws. The response then links to the *About Classification* webpage. Beneath the question and answer portion of the webpage, the OLRC defines 32 key terms in a glossary. The glossary includes terms such as freestanding provision, public law, statutory note, and appendix, each of which relate to the understanding of the Code. A third of the definitions in the glossary also contain links to webpages in the website for further information or a more detailed definition.<sup>121</sup> Thus, the FAQ and Glossary webpage offers a brief resource for users to find quick answers to common questions and important terminology related to the Code.

In review, Understanding the Code is a portion of the navigation bar on the website of the Office of the Law Revision Counsel, which contains four key subsections. The first subsection, *About the Code and the Website*, briefly defines the United States Code, its establishment by

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<sup>118</sup> “Frequently Asked Questions and Glossary.” The Office of the Law Revision Counsel, <http://uscode.house.gov/faq.xhtml>

<sup>119</sup> Ibid.

<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

Congress, the limits of the Code, and its importance. Much of this information is located in the linked document, titled *The United States Code—What It Is... What It Isn't... and What it Could Be*. The second subsection, *About Classification*, explains the process by which a law becomes part of the Code and describes the Office of the Law Revision Counsel's part in that process. The webpage also briefly explains the process of passing a law and explains the definition of the terms "general" and "permanent" with examples in reference to the Code's inclusion of only the general and permanent federal laws. The third subsection, *Detailed Guide to the Code*, contains an extensive overview of the terminology relevant for understanding the Code and its organization, which is out of the scope of this text. The webpage also explains the history of Congress creating the Code, defines the Code, and states the role of the OLRC in the editing and production of the Code. Lastly, the fourth subsection, FAQ and Glossary, presents the answers to 20 commonly asked questions and provides definitions to 32 key terms in a glossary format. Thus, the Office of the Law Revision Counsel dedicated this section of the website to offering users a comprehensive guide to understanding the Code. However, the resources of the website extend past the text on the webpages. Users can also contact the Office of the Law Revision Counsel through the About the Office webpage.

### **Office of the Law Revision Counsel Public Service: Digital Inquires**

A user can also seek out information about the Code by speaking with a member of the Office of the Law Revision Counsel directly through the *About the Office* webpage, found on the footer of the website. The webpage begins by quoting the responsibilities of the Office of the Law Revision Counsel found in 2 U.S.C. 285b, including a link to the Code it quotes. *The Founding and Organization of the United States Code* subsection details these responsibilities.

After listing the responsibilities of the OLRC, the webpage lists the contact information of the OLRC, which consists of its email, phone number, and mailing address. However, promptly after providing this contact information, the webpage warns users that while the OLRC “encourages... questions and comments about this website, the U.S. Code, and codification,” the OLRC “cannot provide legal interpretations or advice to the public.”<sup>122</sup> Office of the Law Revision Counsel employee, Brown, elaborates upon this balance between the desire to serve the public as a resource and the limitations of the OLRC.

According to Brown, the Office of the Law Revision Counsel carefully manages its desire to answer website users’ questions and its restraints from providing legal advice. Brown states that the Office of the Law Revision Counsel receives questions “almost every day.”<sup>123</sup> Some of these questions include requests for help understanding the Code, questions about potential errors in the Code, and questions regarding updates to the Code. While the OLRC employees attempt to answer as many questions as possible, they are constrained by a “limited function” as enumerated in the Code.<sup>124</sup> Brown explains that the OLRC employees are neither law librarians nor legal representatives for website users.<sup>125</sup> Likewise, Brown also claims that due to limited staff of the OLRC, comprising about 20 employees, it would be unreasonable for this small team to go beyond the “limited function” described in the Code.<sup>126</sup> They simply lack enough employees to manage these additional questions, and answering legal advice inquiries goes beyond their responsibility. With this said, Brown also claims that the website functions to help users understand the Code as much as possible without overstepping the

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<sup>122</sup> “About the Office.” The Office of the Law Revision Counsel, [http://uscode.house.gov/about\\_office.xhtml](http://uscode.house.gov/about_office.xhtml).

<sup>123</sup> “Phone Interview: Office of the Law Revision Counsel,” interview by Katherine Frisbie.

<sup>124</sup> *Ibid.*

<sup>125</sup> *Ibid.*

<sup>126</sup> *Ibid.*

OLRC's boundaries. She highlights the popular name search tool, the Understanding the Code resources, the *Detailed Guide*, and the *FAQ and Glossary* webpage as evidence that the OLRC aims to aid users in developing as "much understanding about the code as possible" despite its constraints.<sup>127</sup> Therefore, though the OLRC provides resources to promote public understanding of the Code, it cannot serve as a legal aid resource.

### **Office of Law Revision Counsel Website as a Legal Communication Resource**

First and foremost, the Office of the Law Revision Counsel should be commended for creating this website to provide access to the Code. Though this subsection evaluates the strengths and weaknesses of the website as a tool for communicating the Code to the public, it also recognizes that without the motivation and passion of the Office of the Law Revision Counsel employees, the website would be nonexistent. As Office of the Law Revision Counsel employee Anne Brown explained in her phone interview, Congress did not ask the members of the OLRC to create this website, nor did Congress request that they create and publish additional resources for understanding the Code, its history, and its organization. The members of the OLRC chose to create this thorough guide to understanding Code on their own accord to aid the public, as previously explained in *The Digital and Pre-Digital Communication of United States Code*.<sup>128</sup> The level of detail in this website indicates the passion that the Office of the Law Revision Counsel has for the cause of educating the public about the Code. This dedication suggests that these employees go above and beyond the basic responsibilities granted by Congress, as defined in the subsection *The Founding and Organization of the United States*

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<sup>127</sup> Ibid.

<sup>128</sup> Ibid.

*Code*. Thus, before analyzing the effectiveness of the website, it is important to credit the Office of the Law Revision Counsel with the creation of this public resource.

With this said, to evaluate the website as a resource for communicating the law to the public, this text analyzes an effectiveness based upon four key criteria. These criteria categories include ease of navigating and researching the Code, quality of resources defining the Code and explaining its relevant background information, quality of question and answer opportunities, and user engagement. The first category considers tools that teach the Code's organization and definitions that are relevant to understanding the organization of the Code, as well as the effectiveness of the Code drop-down search tool and Code search engine. The second category considers the quality and thoroughness of the website's definition of the Code. The third category considers the frequently asked questions page and the degree of accessibility for asking questions through the *About the Office* webpage. Lastly, the fourth category evaluates the quality of the website's engagement with the user as a teaching tool, which includes digital presentation skills and the communication methods utilized in the website. Through these four categories, this text analyzes the quality of the OLRC website in communicating the Code to the public.

### **Part I: Ease of Navigation of the Code**

Regarding the ease of Code navigation, the OLRC website provides basic tools for understanding the organization and structure of the Code, which aid readers in efficient research; however, the website struggles to provide a thorough definition of the subsets of the Code's structure. It is important that the website provides resources to teach users about the structure of the Code because it is interconnected with both of the Code research tools: the drop down menu style Code database and the search engine database. If a user did not know that the Code was

organized by title and then structured in a Russian doll style of subsections beneath subsections, the user might feel overwhelmed and confused while researching the Code. However, the OLRC provides a general overview of this structure. Users can visually explore the tiered structure of the Code by clicking through the drop down menus that organize the Code on the homepage, beginning with a list of titles with plus signs next to them, which expand to the subunits of chapters within the titles when clicked. Though this is an indirect learning tool, it serves the purpose of visually showing the structure of the Code to users nonetheless. In a more direct educational method, the website offers a brief explanation of the organization of the Code in the *Detailed Guide to the Code* section. The “In General” preface of this webpage states that every “title of the Code is subdivided into a combination of smaller units such as subtitles, chapters, subchapters, parts, subparts, and sections, not necessarily in that order.”<sup>129</sup> Likewise, the *FAQ and Glossary* webpage defines the term “title” as the “broadest subdivision of the Code,” suggesting that subdivisions fall within titles.<sup>130</sup> However, the website neither defines nor differentiates the subsections beneath titles. It is as though the website explains how to put together a Russian doll, but then states that the order of the pieces is not always consistent and the shapes of the pieces do not define the organization of the doll. Yet this issue seems to touch on inconsistencies with the rules regarding the structure of the Code, which fall beyond the scope of this text, but are important for future research on the OLRC, which organizes the Code. It seems that the issue of inconsistency is attributed more to the structure of the Code than the effectiveness of the *Detailed Guide* as a tool for educating the public about the structure of the

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<sup>129</sup> “Detailed Guide to the United States Code Content and Features.” The Office of the Law Revision Counsel, [uscode.house.gov/detailed\\_guide.xhtml](http://uscode.house.gov/detailed_guide.xhtml).

<sup>130</sup> “Frequently Asked Questions and Glossary.” The Office of the Law Revision Counsel, <http://uscode.house.gov/faq.xhtml>

Code. Thus, though the website provides a general overview of the structure of the Code, it fails to provide users with a definition for the different subsections beyond the Code.

However, the website provides a thorough guide for database researching, which also contributes to the user's ease of navigating the Code through research. The link to this high-quality database research guide is conveniently located on the website's homepage directly beside the search engine bar through the link terms "Search Tips." By placing the link to this tool on the top of the homepage, the OLRC makes this resource easily accessible for users who need help learning how to conduct database research. The research guide offers a comprehensive overview of database techniques for both simple and advanced searches. This ensures that users who may feel overwhelmed with advanced searches still have a source of advice for maneuvering through the database. It also ensures that users who would like to narrow their searches through more complex search techniques have access to a thorough guide that will expand their research skills. Under the advanced search section, the webpage offers examples of search techniques in a table format, which is particularly helpful for visual learners. This table gives the users an organized visual representation of the methods of database research, including the use of "and" or "not" between search terms to shape the search results. Though this is one of the few examples of a visual tool used for educating users on the OLRC website, it is a strong method of communicating database research tactics to users. Likewise, the webpage begins with a series of links to sections throughout the webpage, known as "jump to" links because users utilize the links to quickly navigate the webpage for the information they hope to learn. The links include topics such as "Boolean and proximity connectors" and "searching for a phrase."<sup>131</sup>

Granted, the user would need to have prior knowledge of terms like "wildcards," "Boolean," and

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<sup>131</sup> "Help Searching the United States Code." The Office of the Law Revision Counsel, [usc.house.gov/static/help.html#\\_Simple\\_Searches](https://usc.house.gov/static/help.html#_Simple_Searches).



“masks” in the context of research to know to look for tactics for researching using these tools. This limits this use of the “jump to” tool to either those who are curious about defining the search tool term or those who are familiar with the search tool term and need to be refreshed on the method behind the search tool. Nonetheless, the “jump to” section of the webpage offers website users a convenient way to navigate through the information on the webpage to find the research tool they wish to learn about. Furthermore, the webpage provides screenshots of example searches on the website search engine to walk the user through shifting to a larger or smaller section of the code during the research process. Though these images are the only images on the website besides the header images, they play a key role in helping the user visualize the steps to take and the buttons to click to maneuver through the search process. Thus, the website’s database research tips webpage provides a thorough overview of research techniques to help users search through the Code more efficiently and effectively.

While the website provides this useful database research guide, its Code search engine results page lacks a design that neatly and legibly presents search results. The text of the search results is clustered tightly with no line or significant space dividing search results. This messy, clustered layout of the search results may overwhelm users and make it difficult for users to sift through search results to find the Code they are looking for in their research. Furthermore, the beige background with small, light gray text and maroon link titles is difficult to read and may pose a particular challenge to older users with degrading eyesight. It is not enough for a government resource to simply provide the material of the Code for the public. To effectively *communicate* the Code to the public, the OLRC must design their website to neatly and legibly display the Code to ensure that users can efficiently use the Code database. The technology team in the OLRC must research the web design of database systems with more modernized design

that provides a clear, professional layout for its search results, such as EBSCOhost and JSTOR. Thus, in order to effectively communicate the Code to the public, the OLRC must update their search engine results webpage to increase its legibility, neatness, and professionalism.

In review, the OLRC website has strengths and weaknesses in the first category regarding ease of navigation. The website excels in educating users about database research techniques through its research guide. This increases the chance that users who use this resource will have the skills to perform effective searches in the Code. In addition to its search engine, the website provides a helpful visual drop down style search menu that begins by listing each title of the Code and allowing users to expand the menu to research subsections of the Code. The website also has several weaknesses in this category. Though it provides a general overview of the structure of the Code and a definition for the term “title,” it fails to define the difference between the subsections beneath titles. Most importantly, design of the website’s search engine fails to present search results in a clear, legible fashion, making it challenging for users to sift through the search results. Thus, while the OLRC provides a strong database research guide and a helpful drop down style Code search menu, it struggles to present a comprehensive guide to the structure of the Code and a clear, neat search results webpage to ease the user’s Code navigation.

## **Part II: Explanation of the Meaning and Limits of the Code**

Regarding the second category, to effectively communicate the definition of the Code, the website must give a thorough explanation of the Code and its limits. Without these explanations, users may not understand what the Code is as they begin their research and may not understand how it is different from the *Statutes at Large*. For example, when I began my research, I thought the US Code comprised the entirety of US federal law. I also thought that

Congress organized the Code. I had never heard of the Office of the Law Revision Counsel nor its website. I did not know that the *Statutes at Large* existed as the overarching resource for federal laws until my phone interview with Anne Brown. As a political science student with a research concentration involving U.S. law, this discovery shocked me. Thus, it is crucial that the website clearly defines the Code for those who may not be familiar with the boundaries of the Code.

The OLRC website defines the Code to different extents on the following webpages: *About the Code and the Website*, *FAQ*, *About Classification*, and *Detailed Guide to the Code*. Each definition explains that the Code contains the “general and permanent laws of the United States” organized by subject matter.<sup>132</sup> However, only the definitions found on the *About the Code’s* linked document and the *About Classification* webpage specify that the Code is comprised of federal laws passed by Congress. This is a crucial distinction for several reasons. First, the very root of understanding the Code lies in the fact that Congress creates the Code. The creation of the Code is intrinsic to its definition. Second, users who are unfamiliar with the Code may incorrectly assume that these regulations stem from the executive branch as federal regulations, not laws passed by Congress. If they wanted to change the laws or inquire about the laws, they may not know to reach out to their Congressional representative. Third, clarifying that the Code contains federal law is the first step to explaining that each citizen of each state must follow federal law. Though American citizens may understand this, citizens with low education levels and young citizens could benefit from a clarification. With this said, two portions of the website present a more complete definition of the Code. Though the definition on

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<sup>132</sup> “About the United States Code and the Website.” The Office of the Law Revision Counsel, [http://uscode.house.gov/about\\_code.xhtml](http://uscode.house.gov/about_code.xhtml)

the *About the Code* webpage does not include information about Congress or explicitly mention that the Code contains federal laws, the linked document, *The United States Code— What It Is ... What It Isn't ... and What It Could Be*, offers a thorough explanation of the Code as federal law. The document explicitly states that the Code is made up of “Federal laws,” though it neither specifies the definition of a federal law nor explains that Congress creates federal laws.

<sup>133</sup>However, the *About Classification* webpage states that the Code is comprised of a subsection of the total laws passed by Congress. Therefore, more often than not, the definitions of the Code on the OLRC website fail to explain that the Code is created by Congress and, thus, serves as federal law.

Furthermore, most definitions of the Code on the OLRC website also fail to define the terms “general” and “permanent” in the context of the Code. The definitions of the Code found on the following webpages do not elaborate upon the terms “general” and “permanent”: *About the Code and Website*, *FAQ*, and *Detailed Guide to the Code*. Each of these definitions of the Code merely state the terms “general” and “permanent” without explaining the meaning of these words to the user. This is problematic because it defeats the purpose of providing the definition if the chosen wording of the definition is vague and poorly explained. It leaves users to assume the meaning of “general” and “permanent” and risks users misunderstanding the meaning of the Code they are researching. With this said, the *About Classification* webpage provides a helpful explanation of these terms using examples. For example, regarding the term “permanent,” the webpage states that a “provision requiring an agency to submit a report to Congress every year

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<sup>133</sup> “The United States Code— What It Is ... What It Isn't ... and What It Could Be.” Office of the Law Revision Counsel.

from now on is permanent while one making a one-year appropriation is not.”<sup>134</sup> By providing examples for “general” and “permanent” on this webpage, the OLRC offered users a clearer definition for the Code. However, users looking for a clear definition to the Code may be more likely to look under *About the Code and Website* or a *Detailed Guide to the Code*, neither of which have these examples. Thus, the OLRC struggles to produce a clear definition of the Code with an explanation of the terms “general” and “permanent” in locations on the website where users are likely to search for the definition.

Most importantly, most of the definitions of the Code found on the OLRC website do not explain that the Code does not compromise the entirety of federal law. This is a crucial distinction as users may think that the website contains *all* federal laws, as I did at one point during this research. To review, the Code only includes a subsection of the federal laws; the *Statutes at Large* contains all federal laws. Users may be confused when they look for a federal law included in the *Statutes at Large* but not the Code and are unable to find the law. They may assume that the federal laws beyond the Code are nonexistent without information about the *Statutes at Large*. The only portion of the website that includes a direct explanation of the difference between the Code and the *Statutes at Large* is the document linked at the bottom of the About the Code and Website webpage. It states that the “scope of such codification in the Code does not extend to all laws that have ever been enacted and published in the *Statutes at Large*.”<sup>135</sup> However, this document is linked under the title “Additional Information” on the webpage, meaning that this key information is not put at the forefront of the explanation of what the Code is on the *About the Code and Website* webpage. Furthermore, though the *About*

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<sup>134</sup> “About Classification of Laws to the United States Code.” *The Office of the Law Revision Counsel*, [uscode.house.gov/about\\_classification.xhtml](http://uscode.house.gov/about_classification.xhtml).

<sup>135</sup> “The United States Code— What It Is ... What It Isn't ... and What It Could Be.” Office of the Law Revision Counsel.

*Classification* page states that “not every provision contained in those public laws goes into the Code,” it does not explain that users would need to access the *Statutes at Large* to find the provisions that are not in the Code.<sup>136</sup> The website also does not provide a link for users to use to research *Statutes at Large*, such as the website of the Library of Congress. Thus, to give the most complete definition of the Code, the OLRC must differentiate it from the *Statutes at Large* more directly and in a more user-friendly location on the website, such as in the body text of the *About the Code and Website* webpage.

Therefore, regarding the second category concerning the quality and thoroughness of the definition of the Code, the OLRC website generally struggles to produce a complete explanation of the meaning of the Code. The website places vague definitions of the Code in intuitive website locations and the few thorough definitions of the Code in less intuitive locations. These definitions often fail to elaborate on the meaning of the terms “general” and “permanent” in the context of the Code. The definitions also often fail to explicitly state that the Code is federal law produced by Congress (with exception of portions such as the Declaration of Independence, of course). Lastly, the website does not emphasize that the Code does not comprise the entirety of federal law, and it rarely mentions the differentiation between the Code and the *Statutes at Large*. Thus, to effectively communicate the Code to the public, the OLRC website must provide a more thorough explanation of the definition of the Code in intuitive locations.

### **Part III: Accessibility for User Inquiries**

The third category of effective communication of the Code involves accessibility for user inquiries. Users must have ready access to asking questions to verify or increase their

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<sup>136</sup> “About Classification of Laws to the United States Code.” *The Office of the Law Revision Counsel*, [uscode.house.gov/about\\_classification.xhtml](http://uscode.house.gov/about_classification.xhtml).

understanding of the Code to ensure that the website has effectively communicated the Code. Without resources like the *Frequently Asked Questions* webpage or the *About the Office* webpage containing the OLRC's contact information, users would have to assume that they understand the website's material because they would not have a resource to verify or enhance their understanding. It is the difference between providing a student a textbook to understand the material and providing both a textbook and a tutor. Without the tutor, the student would lack a resource to further explain the material or answer their questions. Thus, it is important for the website to provide comprehensive resources for users to ask questions to the Office of the Law Revision Counsel because quality inquiry related resources encourage users to solidify their understanding and maintain curiosity about the Code.

The *Frequently Asked Questions* page is one of the resources through which users can find answers to their questions. As previously mentioned in *Office of the Law Revision Counsel Public Service: Website Resources*, this webpage hosts answers to 20 questions and provides links to other webpages or websites in over half of the answers. The questions and answers are neatly arranged on the webpage. Each question and answer pair is divided by lines, which create a clear presentation of the information for the reader to navigate quickly. This webpage presents straightforward answers to the common questions with few uses of legal jargon that could overwhelm or confuse readers. Thus, the *Frequently Asked Questions* webpage successfully serves its purpose to clearly answer common questions.

Likewise, the *About the Office* webpage excels in providing resources for user inquiries. As previously stated, the *About the Office* webpage includes the Office of the Law Revision Counsel's phone number, email, and mailing address and encourages user inquiries. Given my experience contacting the OLRC, I commend the OLRC employee's dedication to public service

in answering citizens' questions. To contact the OLRC, I sent an email with about ten questions about their Office and website, and I included my phone number in my email as a second contact method. Four days later, I received a phone call from Brown in the OLRC that lasted over an hour. Brown went through each of my questions in detail and answered new questions I developed during the conversation. She walked me through examples on the website in which we navigated the Code and website resources together. She also explained definitions of terms on the website, such as "general" and "permanent." Brown went above and beyond to provide excellent public service and ensure that she fully answered my questions. Though this is a small sample size of one phone call, it indicates the dedication that the Office puts forth to serve the public and answer citizens' questions to the best of their ability.

Therefore, the OLRC offers excellent resources for answering users' questions. The *Frequently Asked Questions* webpage neatly presents answers to common questions to help ensure that users understand the material on the website. It also provides many links for readers to use to gain a more in depth definition of a term or a more thorough explanation of a concept. Likewise, based on my experience asking questions via email and phone, the OLRC provides outstanding responses to users' questions. As previously mentioned, Brown stated that the Office receives inquiries almost daily, and though the team is made up of only about 20 employees, they do their best to serve the public by answering these many questions.<sup>137</sup> Thus, the OLRC excels in its user inquiry resources.

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<sup>137</sup> "Phone Interview: Office of the Law Revision Counsel," interview by Katherine Frisbie.



#### **Part IV: User Engagement**

The final category measuring the effectiveness of the OLRC's communication of the Code concerns the means through which the website engages with its users. To present an analogy, it is the difference between an engaging orator and an orator who struggles to engage his audience. The orator who struggles to connect with his audience and hold their attention might read directly from a script, which contains excessive jargon, long sentences, and poor organization. He may also use a PowerPoint presentation that lacks images and visual aids or uses color poorly, distracting the audience. This orator would struggle to effectively teach the audience his material. Though the orator may have provided a complete set of information, he may not have successfully *taught* the audience the information, even if he *presented* it to them. Similarly, in web design, the designer controls the means through which he communicates the information to the user by manipulating the visual tools on the website. Of the four categories of communication of the Code, user engagement is the portion that the OLRC struggles with the most.

Almost every webpage on the website lacks visuals. The website contains fewer than five images total, not including those found on the header of the website. It is important to include images on the webpage because images engage the reader with the text and help them visualize the concepts on the page. This is similar to PowerPoint presentations that contain helpful images to engage and teach the audience in contrast with presentations that lack images. In modern website design, it is common for almost every webpage to include an image to attract the reader to the content and help them understand it. Likewise, the website lacks diagrams and charts that could act as visual aids for conveying the material to readers. For example, the OLRC could use a visual diagram to communicate the order of the subdivisions of the Code, a timeline to show

the progression of the OLRC's digital resources or history, and a table to show examples of laws that are permanent and laws that are not permanent. This is similar to the diagrams and tables found in textbooks to help students visualize the information in the text. Granted, the website utilizes a table format particularly effectively on the database research guide webpage. This page features a table that indicates the different search responses by placing words like "and" or "not" between search terms. The OLRC should continue to use tables and visual diagrams like this in other webpages to provide visual communication tools for its readers.

The website also struggles to use color in a professional, legible manner in its design. The design of the website includes a caramel navigation bar, a beige body text, and a dark brown header and footer. The color of the body portion in particular indicates that this website is out of date. The current standard for professional websites is black text on a white background, using the occasional colored accent for headers, titles, and links. This is similar to a teacher using a PowerPoint presentation with a colored background and text. The color distracts from the content, though the objective in using color on a website is to engage the reader and attract them to keywords. The use of color on the website is especially important for engaging readers on the OLRC website because the content can sometimes seem dense and scholarly. But with a white background and colored headers throughout the text, the reader could more clearly absorb the information and visually identify shifts in the content. Thus, the OLRC must improve its use of color to effectively communicate the Code to the public.

The Office of the Law Revision Counsel should look to resources like the website of the Government Printing Office for inspiration on governmental sources that use website design effectively to communicate to the public. The GPO is the ideal web design inspiration for the OLRC because it has similar communication goals as a government resource for providing

public access to government documents. Though both websites have similar information and a similar government background, the GPO website more effectively communicates the information through its modernized digital design. The GPO website presents the information in a more professional, modern manner that is more likely to attract and maintain user interest. For example, the GPO explains their history through a brief paragraph and three videos. These videos present the history of the GPO in a more interesting manner that offers a visual platform to help users learn the information. In contrast, the OLRC's website communicates its history solely in text, a less effective means for engaging users. Likewise, while the OLRC lists its contact page on the *About the Office* webpage, the GPO goes a step further by providing a modern digital contact form for user convenience, in which users type their names, email addresses, and questions into digital boxes and submit their questions straight from the website. Furthermore, the GPO website uses a white background with black text and blue accent text to clearly and attractively present its information. This design makes the text easier to read and uses color to draw the user's attention to specific portions of the text, like links and headers. The OLRC should implement this use of color in their design, looking to the GPO for further inspiration. Thus, the Office of the Law Revision Counsel would improve its communication of the Code by looking to similar government websites that use more modern, engaging teaching tactics in its web design.

Thus, the OLRC website would improve its communication of the Code by implementing visual components into its web design. The OLRC technology team should improve the use of color to create a more modern, user-friendly design to make the website not only more legible but also more attractive for users. Likewise, the OLRC should implement visual tools such as tables, charts, and diagrams to teach users its information more successfully. The OLRC

technology team should research the web design of similar government entities' websites to gain inspiration for teaching tools, website layout, and use of visuals like pictures and videos to more effectively present its information to its audience. With an improved website design, the OLRC would more effectively communicate the Code to the public.

While it may be easy to assume that the mere presence of the Code on the OLRC website is enough to merit effective communication of the Code, these four categories indicate that successful communication must go beyond merely publishing the Code online. Though Congress only presented the OLRC with the responsibility to “publish” the Code, the OLRC already goes beyond this job description by providing additional resources for users on the website.<sup>138</sup> It extends past *presenting* the information to *communicating* the information through these additional resources. The OLRC offers a digital database for users to use to research the Code and a plethora of resources to teach citizens about what the Code is, how it is created, and how to navigate it, as well as a platform for users to ask questions to ensure they understand the material. Though the presence of the website alone satisfies its responsibility to Congress, the OLRC could become a stronger educational resource with help from the evident passion that its employees have for serving the public. If the employees of OLRC already push toward providing an educational resource for the public, they might as well do so to the best of their ability for the sake of the community they aim to serve. By improving each of the four categories, the OLRC would provide a more effective educational resource for the public through more successful tactics of communicating the Code.

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<sup>138</sup> U.S.C. Title 2, Chapter 9A, Section 285b

## **Increasing Public Understanding of Federal Law**

The solution to the problem of public ignorance of federal law begins with digital communication through the Office of the Law Revision Counsel. As a website designer who has created the design and content of multiple companies' websites, I have seen the impact of effective website design strategies firsthand.<sup>139</sup> Through the lens of my web design expertise, I identify multiple design elements and content strategies that the OLRC could improve to better communicate federal law. The OLRC website has already established a strong educational foundation that could easily be expanded to take on a stronger, more effective role in communicating federal law to the public. Through the use of educational videos that use the common vernacular and modern design, the OLRC would have a widespread impact on users from different age groups and backgrounds. Likewise, by familiarizing students with these videos and educational tools on the OLRC website, the federal government would help decrease ignorance of the law through a long-term solution. When children become more familiar and comfortable with the Code, they can better protect themselves with knowledge of federal law. Furthermore, to significantly impact public understanding of the law, the federal government must create one sole compilation of all federal law on a singular website. As the OLRC website's research resources are more user-friendly and searchable than those from similar government resources, it is the ideal location for the all-encompassing federal law database. Thus, by improving the educational resources and databases on the Office of the Law Revision Counsel website, the federal government would make sustainable improvements to public understanding of the law.

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<sup>139</sup> Metropolitan Infrastructure's website: <https://www.metroinfrastructure.com/>. Interiors and Draperies by Adelina's website: <https://www.adelinafrisbieinteriors.com/>.

First, Congress should officially empower the Office of the Law Revision Counsel with the responsibility to educate the public about United States federal law. Congress should amend the current Code to expand the power of the OLRC to include an educational role. By altering this legislation, Congress would emphasize the notion that merely publishing the Code online is not enough to warrant effective communication. This would hold the government legally accountable for actively educating citizens about federal law and empower a specific resource to spearhead the education. Likewise, it would give this important role of federal law public education to a group of employees who already have indicated their passion for the cause, meaning that they would likely have a genuine interest in educating the public about federal laws. Due to the fact that the OLRC website would host the education tools, the OLRC would need to redesign their website, using the guidelines of the four categories of communication listed previously.

After updating the website, the OLRC would need to enhance the educational resources on the website. The web designers should begin with the content guidelines previously explained in the four categories of communication to ensure that the current educational content is reformed into more effective resources. The OLRC may consider expanding their team to include young, creative web designers and education experts, who can work together to blend form and function to produce digital teaching tools. The OLRC should also hire or contract a team of videographers who specialize in creating educational resources through video. Including videos on the website provide a popular, engaging educational tool for citizens to use to learn about their federal laws.

Videos are an integral tool for communicating to modern day citizens. They allow the creator to use common vernacular to explain Code that can be twisted with legal jargon,

challenging vocabulary, and vague ideas. Videos also present their information in an engaging manner, maintaining their interest in a way that long paragraphs of text struggle with at times. Furthermore, in contrast with the technique of an in-person seminar to learn about federal laws, citizens can rewind and replay the videos as often as they please. They can also access the video resources easily through an online platform, whereas a solution prompting citizens to come out to an in-person seminar may be less accessible. Of course, access to the Internet and computers would affect a citizen's access to these resources; however, the issue of Internet and computer access is out of the scope of this text. Thus, through this digital video format, the OLRC can more effectively educate citizens about several key topics.

Most importantly, the OLRC should create videos to explain the content of legislation. These videos should first state the official language of the legislation, and then break down the definitions of legal jargon and niche vocabulary. This will give citizens a more complete understanding of the meaning of the law and help them understand legal terminology if they come across this legal jargon in other laws. However, these videos will be unable to clarify the vague language that Silverglate argues is the cause of many unjust lawsuits, as Congress may have purposefully created vague language to leave discretion to the courts. This issue highlights the subjective nature of legislative language, which puts citizens at a disadvantage because judges ultimately decide the meaning of the language of the law. However, by defining the language in the law, the videos will at least provide a starting point from which citizens can grow in their understanding of the law.

Granted, this technique poses a legal risk. If a government resource explains each key term in the law, it must indirectly add content to the language of the law. Users may take these videos to be an extension of the language of the law in that the videos expand upon the terms in

the law and choose the phrasing of the definitions of the legal terms. The videos may need to use synonyms and further definitions to explain the meaning of terms in the law, yet this creates a larger pool of terms that the government provides for users to understand the law. This is problematic because Congress puts great effort into selecting each and every term in its legislation and often debates the use of specific words and phrases in proposed bills. To avoid this issue, the OLRC should clearly specify that the video is merely an explanation of the law, not the law itself. It cannot be cited as a legal reference, and it is not the official wording of the law. The videos must emphasize that the words produced by Congress are the only *official* words of federal law, and they must state that judges may dispute the meaning of the legal language over time. Thus, though explaining the laws may pose a legal risk, explaining that the videos are not to be taken as the official wording of the legislation and highlighting that judges dispute the meaning of legal language will help set the expectations for users.

Furthermore, the videos should contain examples of U.S. Supreme Court cases that relate to the Code at hand. For example, a video detailing the First Amendment should include U.S. Supreme Court cases that helped define the meaning of the legal language of the legislation. By using U.S. Supreme Court cases instead of lower court cases, the videos would ensure that the judges' rulings and explanations serve as a national precedent, which affects website users from every state. The videos should use animations to explain the facts, U.S. Supreme Court opinions, and outcomes of the cases. This technique would help users understand the material and engage younger viewers with shorter attention spans. By using U.S. Supreme Court cases to explain the law, citizens would gain a better understanding of the meaning of the law through seeing the language through the eyes of the U.S. Supreme Court justices. Furthermore, the users would have tangible stories that would help them remember the federal law and apply it to their



everyday lives. Thus, by using U.S. Supreme Court cases in their video explanations, the video team of the OLRC would help users apply federal law to their lives and see the language of the law through the eyes of the U.S. Supreme Court.

Likewise, as the OLRC video team produces the videos, these videos should be organized on the website by legal category and the time in which Congress passed the law and made accessible on the database results page. First, the video team should prioritize explanations of the most general laws that would apply to many citizens' lives to maximize their impact. These laws should begin with the Bill of Rights, federal regarding schools, and federal law regarding businesses. The videos could comprise a collection of laws that are interconnected or focus closely on specific laws. As the video team accumulates a strong foundation of about 20 key videos, it should begin looking into more niche categories and newly added portions of the Code. Once the video team creates its material, the website design team should formally categorize these videos by the topic of the laws the videos address and place thumbnails of all of the videos on one webpage. Then the website design team should add thumbnails of the videos on the database results page beneath the text of the Code. By placing the videos on their own webpage and in the database results, the Office of the Law Revision Counsel would ensure that citizens come across these resources as they navigate the website. As a result, users would be more likely to access the videos and learn the material, especially the video material about laws they are already interested in learning about through the database. By organizing videos by topic and placing them in intuitive locations on the website, the OLRC would maximize the impact of the videos as educational resources.

However, to truly make a long term impact, the OLRC must integrate its website into United States history and government courses. This integration should begin in introductory

level courses at the first and second grade level and expand in higher-level courses, such as Advanced Placement United States History and Advanced Placement United States Government at the high school level. This will help kids become familiar with the website so they are no longer overwhelmed by searching through the vastness of the Code. They would become more comfortable with the resources on the website and more aware of the website's existence as an educational resource. In lesson plans for young children, teachers would guide students through searches using basic keywords in a simple search and the drop-down menu search tool. The website could provide teachers with a scavenger hunt lesson plan that leads students through the basic sections of the webpage and asks them to find a piece of legislation in the Code. As the children grow older and more familiar with the website, they can move forward to using advanced search tools, such as Boolean phrases. The database research webpage would be particularly helpful for this age group. At an older age group, students can begin independent study of the Code and write essays detailing the newest legislation. To facilitate the different age groups using the website, it would be helpful for the OLRC to create a kid-friendly portal that uses youthful colors and design elements, such as digital characters and animated videos to make the material more approachable. Thus, to make a long-term influence on the decrease of ignorance of the law it is crucial for the government to introduce children to the Code and the OLRC website.

Lastly, to fully encompass federal law, the Office of the Law Revision Counsel should expand the content of their website to include the *Statutes at Large*. By excluding the *Statutes at Large*, the Office of the Law Revision Counsel. This change must begin with Congress amending U.S.C. Title 2, Chapter 9A to expand the responsibility of the OLRC to publishing not only the "general and permanent" federal laws, but also the *Statutes at Large* that are not

included in the Code. This is a crucial component of decreasing ignorance of the law because it creates a singular, comprehensive website through which citizens can search for all federal laws in a database format. Though the Library of Congress, the Government Publishing Office, and USA.gov all publish the *Statutes at Large*, they organize their search resource in a drop down menu format, categorized by the year and Congress. Users are unable to search the *Statutes at Large* by category, keyword, or advanced search options because the data is not presented in a database. This is unrealistic for users who do not know when a law they are researching was created or for those who only want to research specific types of laws. In contrast, the OLRC website has maintained an excellent drop down menu search resource as well as a database for citizens to use to research the Code. By creating an additional database for the *Statutes at Large*, the OLRC would be a one-stop-shop for citizens to use for finding the law. It is absurd that the government has stretched its communication across at minimum four different government websites, each of which must update its data as each new Congress creates hundreds of laws. This update would not only be more convenient for citizens researching the law, but also more convenient for the government, which would centralize its federal law research resources into one location instead of using time and resources to create multiple data locations that present the same information.

Though the current online resources for communication of the Code and *Statutes at Large* are unsatisfactory resources for both communication and education, these resources can and should be improved to improve public understanding of United States federal law. If the OLRC improves modernizes its design with an improved use of color and images, it will improve user engagement and help encourage citizens to utilize the website as a resource. As a result, citizens would have a more positive experience learning about their laws and could

become more interested in returning to the website and spending more time researching on the website. Likewise, if the website's images included visual learning tools such as charts and tables, the OLRC would more effectively communicate the information in its content because for some readers, visual learning tools are more approachable and clearer than dense paragraphs of text. The OLRC should extend these visual tools to include educational videos as well to guide its readers through the information on its website. After watching these educational videos, citizens would more clearly understand the meaning of their federal laws and more confidently act according to the law as a result. By integrating these online videos and online resources into education systems, the government would ensure that students know where to look when they have questions about federal law and improve students' legal research skills. With these research skills and an increased familiarity with the OLRC website, students would have the confidence to research the law independently and educate themselves about federal law. They would also be more aware of the resources available to them and feel more comfortable reaching out to the OLRC for help navigating and understanding federal law. Furthermore, through improving the clarity of its definition of the Code, particularly in contrast with the *Statutes at Large*, the OLRC would help readers understand the material on the website and warn them that the Code does not encompass the entirety of federal law. This would ensure that citizens understand that the OLRC website does not contain every federal law, and it would signal that they should research outside of the OLRC website to find federal laws beyond of the scope of the Code. With this said, the OLRC would be a stronger resource for citizens looking to understand federal law if its database also included the *Statutes at Large*. If the OLRC website incorporated the *Statutes at Large* into its database, it would help users understand the United States federal law by providing a more complete set of resources regarding federal law for users to reference in their research. Thus,

each of these suggested improvements to the OLRC website would directly improve public understanding of United States federal law.

In conclusion, the solution to decreasing ignorance of the law begins with the Office of the Law Revision Counsel. To protect our citizens from falling victim to a system of poor legal communication, the United States government must actively educate its citizens about the law. As *Shevlin v. Carpenter* and *Lambert v. California* indicate, the current precedent for ignorance of the law as an excuse is blurry and vague, so citizens must protect themselves with knowledge of the law. Though federal law is vast and all encompassing, citizens can take small steps to understanding laws that they interact with regularly if the government provides them with tools to gain understanding. If the government fails to arm its citizens with knowledge of the laws it creates, United States citizens will continue to lack confidence in the legality of their actions and the power to change federal laws and shape their legal system.

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